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Air Pollution, Politics, and Environmental Reform in Birmingham, Alabama 1940–1971

by

J. Merritt McKinney

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APPROVED, THESIS COMMITTEE:

John B. Boles, Chair
William P. Hobby Professor of History

Martin V. Melosi
Professor of History
University of Houston

Cyrus Mody
Assistant Professor of History

Daniel Cohan
Assistant Professor of Civil and Environmental Engineering

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ABSTRACT

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This dissertation contends that efforts to reduce air pollution in Birmingham, Alabama, from the 1940s through the early 1970s relied on citizens who initially resisted federal involvement but eventually realized that they needed Washington's help. These activists had much in common with clean air groups in other U.S. cities, but they were somewhat less successful because of formidable industrial opposition. In the 1940s the political power of the Alabama coal industry kept Birmingham from following the example of cities that switched to cleaner-burning fuels. The coal industry's influence on Alabama politics had waned somewhat by the late 1960s, but U.S. Steel and its allies wielded enough political power in 1969 to win passage of a weak air pollution law over one favored by activists.

Throughout this period the federal government gradually increased its involvement in Alabama's air pollution politics, culminating in the late 1960s and early 1970s with the enactment of environmental laws that empowered federal officials to pressure Alabama to pass a revised 1971 air pollution law that met national standards. After the passage of this law, but before the appointment of an air pollution control board to enforce it, a federal judge temporarily shut down Birmingham-area industries at the

request of the Environmental Protection Agency, the first time that the agency had used such emergency powers.

Over time, grassroots activists in Birmingham came to the realization that their efforts were doomed to fail, or at least to be significantly delayed, without the aid of the federal government. For nearly twenty-five years after the enactment of the 1945 smoke ordinance, supporters of air pollution control wanted the state government to deal with the problem of air pollution, with the federal government only providing technical expertise and funding for scientific research. But with their defeat in the 1969 legislative session, when the industry-backed air pollution bill passed, clean air campaigners in Alabama realized—and publicly stated—that only pressure from Washington would force Montgomery to clean up Alabama's air.

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I have had the good fortune of working with helpful archivists as I researched my topic in Alabama and in the National Archives. I am especially grateful to Jim Baggett and his colleagues at the Birmingham Public Library Department of Archives and Manuscripts. If Rice is one of the most congenial places to study history, than I have been doubly fortunate, because the archives in Birmingham are a wonderful place to do research. From the first day that I visited the archives while attending a meeting of the Southern Historical Association a few blocks away, Jim Baggett and the rest of the archives staff bent over backwards to help me find the materials I needed. I had similar luck during a visit to the UAB Archives. The efficiency of Tim Pennycuff made my brief visit extremely fruitful. Staff members at the National Archives in College Park, Maryland, and the Alabama Department of Archives and History also provided much assistance.

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My family has been extremely supportive throughout this long process. Most parents would not have been pleased to hear that their son was applying to grad school at age thirty-two, but my parents, Angela and Rawlins McKinney, were enthusiastic from the start. For that and for their never-wavering support throughout my life, I express my deepest gratitude. I also thank my brother, Rawlins, for his friendship and his hospitality during my many research trips to Birmingham.

Finally, this project would never have been completed without the support of my partner, Tom Bailey, though at times he probably wished that the project had never been started. When we met in the summer of 2003, I am sure he had no idea what he was getting himself into, certainly not that he would be moving to Houston in the summer of 2004. Words fail me as I try to express my gratitude to him for putting up with so much as I have slogged away at my dissertation. With love and appreciation, I dedicate this dissertation to Tom.

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Introduction

The Emergence of an Environmental Movement in the Pittsburgh of the South

From the earliest days of Birmingham's existence until well into the twentieth century, residents of the Alabama city saw dollar signs in the smoke pouring out of the city's smokestacks. Dark skies meant that the local iron and steel mills were operating, providing profits to industrialists and jobs to thousands. As early as 1875, just four years after Birmingham's founding, a visitor predicted a bright future for the young industrial city. To be precise, he predicted a bright economic future, not bright skies: "The world's demand for cheap iron can here be supplied, and in the near future, from these valleys that separate a 'thousand hills,' shall arise the smoke from a thousand industries."[1] A few years later, when the city was going through difficult economic times, a local booster assured citizens, "Soon these hard times of which we hear so much will belong to the past, and peace and plenty will reign all over our land....The bowels of our mountains [will] ring with the picks of thousands of miners, and our vallies [sic] will be darkened with the smoke of hundreds of manufactories."[2] Smoky skies were to be celebrated as a sign that the "Pittsburgh of the South" was doing well.[3]

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[1] "Alabama: Its Iron Mountains and Coal Basins," *Birmingham Iron Age*, July 15, 1875.

[2] "Alabama's Future," *Birmingham Iron Age*, September 12, 1877.

[3] Several scholars have investigated how the meaning of smoke has changed over time. See Peter Brimblecombe, *The Big Smoke: A History of Air Pollution in London since Medieval Times* (London and New York: Methuen, 1987); Stephen R. Mosley, *The Chimney of the World: A History of Smoke Pollution in Victorian and Edwardian Manchester* (Cambridge: White Horse Press, 2001); Peter Thorsheim, *Inventing Pollution: Coal, Smoke, and Culture in Britain since 1800* (Athens: Ohio University Press, 2006). In her work on Pittsburgh, Angela Gugliotta has challenged historians to move beyond a problem-and-solution approach to pollution history by asking how pollution was defined and understood by different people at different times. See Angela Gugliotta, "Class, Gender, and Coal smoke: Gender Ideology and Environmental Injustice in Pittsburgh, 1868–1914," *Environmental History* 5 (April 2000): 165–93 and "Hell with the Lid Taken off: A Cultural History of Air Pollution—Pittsburgh," (PhD diss., University of Notre Dame, 2004).

Seen from a distance, smoke signified prosperity, but the view closer to the smokestacks was less appealing. Before Birmingham was even twenty years old, promoters tried to lure its residents to resorts in the Appalachian foothills outside of town. An 1883 account of St. Clair Springs, located in the next county, described the resort as an ideal refuge from Birmingham: "How pleasant, one cannot imagine, unless they could run away from some hot, dusty city, full of smoke, noise and turmoil, and stop here for a few weeks of restful quiet."[4] Back in town, those who could afford it put distance and elevation between themselves and the area's iron and steel mills. By the turn of the twentieth century, the city's well-to-do were moving from the downtown area to streetcar suburbs along the slopes of Red Mountain, the ridge a few miles south of downtown. Eventually, the city's most prosperous citizens would move "over the mountain" to suburban neighborhoods on the south side of Red Mountain.

Smoke was not the only reason that people moved out of the city, but cleaner air was one of the environmental amenities that made suburban areas appealing. As in other U.S. cities, mass suburbanization in Birmingham did not occur until after World War II, but the city's most affluent residents began the over-the-mountain exodus in the 1920s. The Great Depression slowed this migration, but by the late 1930s the most exclusive Birmingham suburb, Mountain Brook, was well enough established to gain the admiration of *Good Housekeeping*, which christened Birmingham "the city that dared to move!" The magazine praised Robert Jemison, Jr., the most influential real estate developer in Birmingham history, for inspiring citizens to move over the mountain,

> leaving behind in the valley the smoke, dirt, and fumes of the great steel mills and factories which produce its wealth. What a lesson this is for

[4] "St. Clair Springs: A Spicy Letter from One of Alabama's Favorite Watering Places," *Birmingham Iron Age*, July 26, 1883.

> many a community in America where the work must go on in an industrial city, but where within a few miles there is a chance for a home life in a country community. No American city, however industrialized or hopeless, need be without a fine residential section. Like Birmingham, it should dare to move.[5]

Good Housekeeping's solution was certainly not practical. Most people living on the Birmingham side of Red Mountain could not afford to move to the clearer skies of the suburbs, especially not during the depression. But the magazine had identified a problem shared by all industrial cities: What is the appropriate balance between the economic necessity of heavy industry and the environmental needs of residents?[6]

This question was one that Birmingham-area residents, including those within the city limits and those living in incorporated and unincorporated parts of the surrounding Jefferson County, struggled with for most of the twentieth century. Birmingham owed its existence to heavy industry, but that did not mean that everyone living there believed that dirty air was inevitable. The first organized campaign for clearer skies began in the Progressive Era and resulted in a 1912 smoke ordinance. As was the case in other such smoke abatement campaigns around the nation, leaders of the Birmingham effort argued that smoke was not a symbol of prosperity but evidence of inefficiency and waste.

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[5] Helen Koues, "The Country Community," *Good Housekeeping*, October 1937, 48–49.

[6] The best introduction to the history of the urban environment is the work of Martin V. Melosi and Joel A. Tarr. Melosi began his study of the urban environment with a study of garbage but has since expanded his examination of cities, advocating studying cities as "open systems" that depend on many factors outside of their physical limits. In his research, much of which has focused on Pittsburgh, Tarr has often applied the metaphor of a metabolism to the city, meaning a study of inputs, the natural resources and other things that a city takes in, and outputs, including not only industrial waste but also human waste. See Martin V. Melosi, *Pollution and Reform in American Cities, 1879-1930* (Austin: Univ of Texas Press, 1980); Melosi, *Garbage In The Cities: Refuse Reform and the Environment*, rev. ed. (Pittsburgh: University of Pittsburgh Press, 2004); Melosi, *The Sanitary City: Urban Infrastructure in America from Colonial Times to the Present* (Baltimore: The Johns Hopkins University Press, 1999); Melosi, *Effluent America: Cities, Industry, Energy, and the Environment* (Pittsburgh: University of Pittsburgh Press, 2001); and Joel A. Tarr, *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective* (Akron: University of Akron Press, 1996).

Unlike Birmingham's first smoke abatement campaign, later efforts to clean up the city's air have received little historical attention. After it became clear that the 1912 ordinance had little impact on air quality, smoke abatement remained a goal of some Birmingham residents during the 1920s and 1930s, who sought action from city officials. These interwar efforts did not produce any results, but a World War II-era smoke abatement campaign concluded with the enactment of another smoke ordinance in late 1945, which had a limited effect. The next stage in the clean air movement shifted the target from smoke to various types of visible and invisible air pollution. In recognition that air pollution did not respect city limits, this phase of the clean air movement concentrated on state-level air pollution control. Eventually, this generation of clean air campaigners succeeded in getting a state air pollution law passed in 1971.

The general trajectory of the push for cleaner air in Birmingham was not unique. Pittsburgh, St. Louis, and other cities with serious air pollution problems followed similar paths as Birmingham, though somewhat more rapidly and effectively. Of particular relevance to this study is the environmental history of Pittsburgh. Birmingham was long known as the "Pittsburgh of the South" due to its iron and steel industry, and the Pittsburgh-based U.S. Steel Corporation as owner of the largest industrial operations in the Birmingham area had enormous influence in Birmingham for much of the twentieth century. Recognizing the similarities between Birmingham and Pittsburgh and aware of the pollution-control actions taken by U.S. Steel in Pittsburgh, Birmingham residents involved in various stages of the clean air movement often cited improvements in the Pennsylvania city's air quality as proof that Birmingham's air could be cleaner. [7]

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[7] For the history of smoke abatement movements in Pittsburgh, St. Louis, and other U.S. cities, see David Stradling, *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America,*

Despite some similarities between the cities and the aspirations of some Birmingham boosters, Birmingham's industrial production never came close to matching Pittsburgh's. The enormous scale of Pittsburgh's industry translated into enormous environmental impact. Joel A. Tarr, one of the pioneers of urban environmental history, has declared "there is no city that surpasses Pittsburgh in terms of the scope of its air, land, and water pollution history and the extent to which its landscape has been altered and shaped."[8] Though air pollution levels were often exceedingly high in Birmingham, the technical details of Birmingham's air pollution are not unique. Pittsburgh and other industrial cities had similar types of pollution and often at levels that were just as high as in Birmingham. What makes the environmental history of Birmingham, in particular the history of clean air campaigns, worth investigating is what it reveals about the politics of air pollution control in an unusual setting, a southern industrial city.[9]

1881–1951 (Baltimore: The Johns Hopkins University Press, 2002); Joel A. Tarr, *Devastation and Renewal: An Environmental History of Pittsburgh and Its Region* (University of Pittsburgh Press, 2005); Andrew Hurley, *Common Fields: An Environmental History of St. Louis* (St. Louis, Mo.: Missouri Historical Society Press, 1997). For a discussion of the early smoke abatement movement in Birmingham see *Smokestacks and Progressives*, p. 131–37.

[8] Tarr, *Devastation and Renewal*, 3.

[9] For useful studies of air pollution politics in the United States, see Scott Hamilton Dewey, *Don't Breathe the Air: Air Pollution and U.S. Environmental Politics, 1945-1970* (College Station: Texas A&M University Press, 2000); Frank Uekoetter, *The Age of Smoke: Environmental Policy in Germany and the United States, 1880–1970* (Pittsburgh: University of Pittsburgh Press, 2009); James Longhurst, *Citizen Environmentalists* (Medford, Mass.: Tufts University Press, 2010). For recent assessments of southern environmental history, see Christopher Morris, "A More Southern Environmental History," *Journal of Southern History* 75 (August 2009): 581–98; and Mart A. Stewart, "Re-Greening the South and Southernizing the Rest," *Journal of the Early Republic* 24 (Summer 2004): 242–51. Paul Sutter and Christopher Manganiello's edited collection provides an overview of topics covered by southern environmental historians. See Paul Sutter and Christopher J. Manganiello, eds., *Environmental History and the American South: A Reader* (Athens: University of Georgia Press, 2009). Not surprisingly, given the South's long agricultural history, the environmental history of the region's cities has not been studied extensively, though this is beginning to change. For examples of works that study the southern urban environment, see Craig E. Colten, *An Unnatural Metropolis: Wresting New Orleans from Nature* (Baton Rouge: Louisiana State University Press, 2005); and Martin V. Melosi and Joseph A. Pratt, eds., *Energy Metropolis: An Environmental History of Houston and the Gulf Coast* (Pittsburgh: University of Pittsburgh Press, 2007).

The major finding of this dissertation has two parts. The first is that the citizens who campaigned for cleaner air in Birmingham from World War II through the early 1970s had much in common with clean air groups in other U.S. cities, including their motivations and strategies, but that they were somewhat less successful because of formidable industrial opposition. In the case of the 1945 smoke abatement ordinance, the political power of the Alabama coal industry kept Birmingham from following the example of St. Louis, where a 1940 ordinance had mandated a switch to a more clean-burning form of coal. At the same time, the Alabama coal industry, though eventually unsuccessful, did its best to block the switch from coal to natural gas for home heating, which had been a major cause of reduced air pollution in Pittsburgh during the late 1940s. The coal industry's influence on Alabama politics had waned somewhat by the late 1960s, but U.S. Steel and its industrial allies wielded enough political power in 1969 to win passage of a weak air pollution law over one favored by citizen activists in Birmingham and the rest of Alabama.

The second major finding is that the federal government gradually increased its involvement in Alabama's air pollution politics. That involvement began in the 1940s with threats to withhold funds for airport improvements and wartime factories unless Birmingham cleaned up its air. In the 1950s and 1960s, the U.S. Public Health Service provided the bulk of the funding for the scientific study of air pollution in Birmingham. Finally, in the late 1960s and early 1970s, the enactment of several national environmental laws empowered federal air pollution control officials to pressure Alabama to enact a revised 1971 air pollution law that met national standards. After the passage of this law, but before Gov. George C. Wallace had appointed an air pollution

control board to enforce it, a federal judge temporarily shut down Birmingham-area industries at the request of the Environmental Protection Agency, the first time that the newly created agency had used such emergency powers.

The second finding may not seem notable at first, because Washington increased its role in air pollution control throughout the nation, not just in Alabama. What makes the history of air pollution politics in Birmingham and Alabama noteworthy is the way that grassroots activists in Birmingham came to the realization that their efforts were doomed to fail, or at least to be significantly delayed, without the aid of the federal government. For nearly twenty-five years after the enactment of the 1945 smoke ordinance, supporters of stricter air pollution control wanted the state government to deal with the problem of air pollution, with the federal government only providing technical expertise and funding for scientific research. But with their defeat in the 1969 legislative session, when the industry-backed air pollution bill passed, clean air campaigners in Alabama realized—and publicly stated—that only pressure from Washington would force Montgomery to clean up Alabama's air.

The federal government played a crucial role in the history of air pollution politics in Birmingham and Alabama, but this dissertation focuses not on Washington regulators but on the people who organized to reduce air pollution in Birmingham in the postwar era. These included city council members who encouraged residents to properly burn coal, high school students in neighborhoods near U.S. Steel's mills who wrote elected officials to express their worries about the future, physicians who saw dirty air as a threat to their patients' lungs, and housewives concerned about the health of their children. Those involved in the push for cleaner air recognized that Birmingham was an iron and

steel town, but they believed that more could be done to reduce the impact of this industry on the environment.[10]

Two recent works on air pollution history help place these Birmingham citizen activists into historical context. In *The Age of Smoke: Environmental Policy in Germany and the United States, 1880–1970*, Frank Uekoetter argues against making too much of a distinction between smoke abatement efforts in the first half of the twentieth century and the environmental movement of the 1960s and 1970s.[11] James Longhurst insists in his study of grassroots activists in Pittsburgh, *Citizen Environmentalists*, that the environmental movement of the 1960s and 1970s warrants further study as just that, a movement. Though not denying the environmental concerns that motivated grassroots activists, Longhurst argued that the modern environmental movement was historically significant because it embodied a changing view of citizenship based on the "rights revolution" of the postwar era.[12] The air pollution history of Birmingham mostly fits the pattern described by Uekoetter. The clean air movement in Birmingham also shares some features of Longhurst's model, but it calls into question his emphasis on the "rights revolution."

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[10] Studies of postwar U.S. environmentalism include Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (Cambridge: Cambridge University Press, 1989); Adam Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism* (Cambridge: Cambridge University Press, 2001); Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement*, rev. ed. (Washington, D.C.: Island Press, 2005); Benjamin Kline, *First Along the River: A Brief History of the U.S. Environmental Movement*, 3rd ed. (Lanham, Md.: Rowman & Littlefield, 2007); Hal K. Rothman, *The Greening of a Nation?: Environmentalism in the U.S. Since 1945* (Ft. Worth: Harcourt Brace College, 1998); Mark Dowie, *Losing Ground: American Environmentalism at the Close of the Twentieth Century* (Cambridge, Mass.: MIT Press, 1995); Philip Shabecoff, *A Fierce Green Fire: The American Environmental Movement* (New York: Hill and Wang, 1993).

[11] Uekoetter, *The Age of Smoke*, 262–63.

[12] Longhurst, *Citizen Environmentalists*, xvi.

The history of clean air campaigns in Birmingham is quite compatible with the portrait painted by Uekoetter in *The Age of Smoke*. Though the rationales put forth for cleaning up the air changed over time, first focusing mostly on cleanliness and efficiency, then on the health effects of air pollution, leaders of Birmingham's environmental movement in the late 1960s and early 1970s faced a problem very similar to what had confronted smoke abatement campaigners of the 1940s. According to Uekoetter,

> environmentalism did not lead to the discovery of problems that had been neglected before. Rather, environmentalism was a new way to talk about problems that city dwellers had been complaining about for a century and more. It was, at its core, a shift of rhetoric, though one with profound implications.

One of these implications, according to Uekoetter, was to demand a replacement for the existing system for regulating smoke in favor of a comprehensive air pollution control program. This is exactly what happened in Birmingham. Once it was clear that the existing smoke ordinance was inadequate, citizen activists pushed for a more appropriate form of air pollution control that regulated various types of air pollutants, not just coal smoke.[13]

Longhurst agrees with Uekoetter that the issues heralded by the modern environmental movement were not new, but he argues that the way that grassroots activists defined themselves as citizens was. Longhurst emphasizes the "rights revolution," which he defines as "a fundamental redistribution of power from a previously dominant, corporatist governing consensus to a pluralistic, diverse, contentious, and fractious public."[14] Like the citizen environmentalists that Longhurst described, clean air activists in Birmingham in the late 1960s and early 1970s did press

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[13] Uekoetter, *The Age of Smoke*, 263.
[14] Longhurst, *Citizen Environmentalists*, 172.

their case in the mass media and in public demonstrations, in a similar, if less contentious, fashion than did other social movements of the era, such as the civil rights movement. But Birmingham history does not fully support Longhurst's contention that "[t]he root problem to be addressed here was not pollution—it was the political system that allowed the pollution to be created and blocked real solutions."[15] It was true that clean advocates in Alabama wanted to institute an air pollution control program that would minimize the political influence of U.S. Steel and other industries in the state. When the industry-backed air pollution bill was passed in 1969, activists broadened their efforts, continuing to pressure Alabama politicians for change but also turning to the federal government to pressure state leaders to revise the air pollution law.

Yet Longhurst's insistence that politics was the main problem that environmentalists wanted to solve downplays the importance of environmentalist concerns in motivating citizen activists. Referring to the anti–air pollution campaigners of the late 1960s and early 1970s, Longhurst writes that they

> were using language and organizational tools that had more to do with Progressive Era organizing, maternal care for the environment, expert knowledge, and a recurring emphasis on the rights and responsibilities of citizens....At least on the local level, members of the new, modern environmental movement weren't as environmental as one might expect.[16]

Citizen activists in Birmingham did exhibit these behaviors, but they also expressed their goals in explicitly environmentalist language, worrying not only about air pollution but also about the survival of the Earth. This was true not just of the young adults who joined the movement in the months leading up to the first Earth Day but also of an older generation who were veterans of clean air campaigns. The Birmingham case shows the

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[15] Ibid., 13.
[16] Ibid., x.

pitfalls of focusing too much on the "movement" at the expense of the "environmental." Leaders of Birmingham's clean air movement displayed an environmental consciousness quite in line with the rhetoric of the Earth Day generation. They cared about clean government, but they mainly wanted clean air.[17]

These leaders of Birmingham's clean air movement were mostly white and were members of the middle and upper-middle class, making them similar to the activists that both Uekoetter and Longhurst describe. In a study of environmental activism in Gary, Indiana, Andrew Hurley also documents the participation of middle-class whites, but he argues that they formed a short-lived coalition with working-class whites and African Americans around 1970 when their environmental interests overlapped.[18] No such coalition developed in Birmingham.[19] As early as the 1940s, some working-class whites

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[17] Adam Rome's recent work has attempted to identify connections between environmentalism and broader social changes during the 1960s. See Adam Rome, "'Give Earth a Chance': The Environmental Movement and the Sixties," *Journal of American History* 90 (September 2003): 525–554; Adam Rome, "The Genius of Earth Day," *Environmental History* 15 (April 2010): 194–205.

[18] Andrew Hurley, *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana, 1945-1980* (The University of North Carolina Press, 1995).

[19] Such a coalition would not have been unimaginable. Scholars of Birmingham's civil rights movement have shown that there were attempts at interracial cooperation between some groups of blacks and whites. For an example, see Robert G. Corley, "In Search of Racial Harmony: Birmingham Business Leaders and Desegregation," in *Southern Businessmen and Desegregation*, ed. Elizabeth Jacoway and Davis S. Colburn (Baton Rouge: Louisiana State University Press, 1982). The most extensively documented, and fiercely debated, type of interracial cooperation involved labor unions in Birmingham-area industries. Some scholars contend that there is evidence of tentative coalitions between black and white workers, while others argue that racial antagonism was too great to allow black and white workers to come together to achieve common goals. See Herbert G. Gutman, "The Negro and the United Mine Workers of America: The Career and Letters of Richard L. Davis and Something of Their Meaning: 1890–1900," in *The Negro and the American Labor Movement*, ed. Julius Jacobson (Garden City, N.Y.: Anchor Books, 1968); Herbert Hill, "Myth-Making as Labor History: Herbert Gutman and the United Mine Workers of America," *International Journal of Politics, Culture, and Society* 2 (Winter 1988): 132–200; Paul B. Worthman, "Black Workers and Labor Unions in Birmingham, Alabama, 1897–1904," *Journal of Labor History* 10 (Summer 1969): 375–407; Henry M. McKiven Jr., *Iron and Steel: Class, Race, and Community in Birmingham, Alabama, 1875–1920* (Chapel Hill: University of North Carolina Press, 1995); Judith Stein, "Southern Workers in National Unions: Birmingham Steelworkers, 1936–1951," in *Organized Labor in the Twentieth-Century South*, ed. Robert H. Zieger (Knoxville: University of Tennessee Press, 1991); Alan Draper, "The New Southern Labor History Revisited: The Success of the Mine, Mill and Smelter Workers Union in Birmingham, 1934–1938," *Journal of Southern History* 62 (February 1996): 87–108; Robert J. Norrell, "Caste in Steel: Jim Crow Careers in Birmingham, Alabama," *Journal of American History* 73 (December 1986): 669–94; Daniel Letwin, *Alabama Coal Miners, 1878–1921: The Challenge of*

complained about air pollution sources in their neighborhoods and some supported the clean air campaign in the late 1960s and early 1970s, but they did not play a leadership role in the push for cleaner air in Birmingham. African Americans, who, like working-class whites, bore a considerable air pollution burden in neighborhoods near industrial operations, were even less involved in leading the clean air movement. It was not until the early 1970s that African Americans in Birmingham began organizing against pollution. When they did, they followed a similar pattern as working-class whites who had protested against specific pollution sources in their neighborhoods. But unlike working-class whites who complained about polluted neighborhoods in the 1940s and 1950s to city leaders with limited power to regulate pollution, African Americans in the early 1970s turned to air pollution officials who had the backing of federal environmental regulators.[20]

One of the ironies of the clean air movement in Birmingham was that its leaders were the type of people that *Good Housekeeping* had praised for daring to move away from the industrial city in the 1930s. By the late 1960s, however, moving to the other side of Red Mountain, far from the iron and steel mills in and around Birmingham, was not a satisfactory solution for some people in the Birmingham metropolitan era. The air was clearer in the over-the-mountain suburbs—though automobiles were a considerable source of pollution on both sides of the mountain by the late 1960s—but many had

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Interracial Unionism (Chapel Hill: University of North Carolina Press, 1998); Brian Kelly, *Race, Class, and Power in the Alabama Coalfields, 1908–1921* (Urbana: University of Illinois Press, 2001).

[20] Most of the literature on environmental justice has dealt with self-identified environmental justice movements that developed in the 1970s and later. Still one of the most influential works in the environmental justice field is Robert Doyle Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (Westview Press, 2000). For an assessment of environmental justice scholarship, see Martin V. Melosi, "Environmental Justice, Political Agenda Setting, and the Myths of History," *Journal of Policy History* 12 (2000): 43-71. Works that examine pre-1970s environmental inequalities include Hurley, *Environmental Inequalities* and Harold Platt, *Shock Cities: The Environmental Transformation and Reform of Manchester and Chicago* (Chicago: University of Chicago Press, 2005).

developed enough of an environmental awareness to demand cleaner air throughout the metropolitan area. Though they attempted to get state officials to solve the problem, they ended up relying on the pressure of the federal government to implement an adequate air pollution control program.

Chapter 1

"A Place for Smoke": Smoke Abatement during the World War II Era

In the spring of 1943 Miss Bonnie Beth Byler, that year's Maid of Cotton, visited Birmingham during a cross-country tour promoting cotton. As visitors to the Magic City often do, she made a stop at Vulcan on the crest of Red Mountain. A symbol of the city since its presentation at the 1904 World's Fair in St. Louis, the cast-iron statue of the Roman god of the forge had overlooked the city since the 1930s when it was placed atop a pedestal along the ridge of Red Mountain where Birmingham's Southside met the suburb of Homewood. On a clear day, visitors to the park at the base of the statue can see Birmingham and its surrounding communities for miles and miles.

Unfortunately for the 1943 Maid of Cotton, the sky was anything but clear on the day she visited Vulcan. A photo with the headline of "She Sees City Despite Smoke" captured Byler sitting on a ledge with the smoggy city in the background. Even with the smoke, the Maid of Cotton enjoyed the view, according to the caption: "She understood, as all who live in Birmingham, that the smoke that hangs over Birmingham is caused to a great extent by the booming steel and industrial plants of the city engaged in the critical war effort. She was not told however, that much of that smoke can be eliminated and must be if Birmingham is to take its place in the aviation of the postwar days."[1] Many Birmingham residents during the World War II era shared this ambivalent attitude toward smoke. Though smoke was seen as a sign of the recovery of the city's industries from the Depression, it also represented waste caused by the inefficient burning of coal. And though a sign of a robust iron and steel industry, smoke also threatened the growth of

[1] "She Sees City Despite Smoke," *Birmingham Post*, April 14, 1943.

aviation in Birmingham, a sector that many civic leaders expected would be crucial to the city's postwar economic development.

The smoke abatement movement during the 1940s reflected these conflicted attitudes toward smoke in Birmingham.[2] Supporters of the smoke abatement campaign, however, were rarely so bold as the editor who wrote the caption below the Maid of Cotton's photo. Leaders of the campaign, which kicked off in early 1940, mostly avoided criticizing the iron and steel industry. In fact, advocates of clearer skies often said that industry was not the problem. Instead, they concentrated on coal-burning furnaces in homes and commercial establishments. Residential and commercial users were encouraged to burn coal as cleanly and efficiently as possible. Looking back, an attempt to clean up Birmingham's skies without targeting the iron and steel industry and without switching to a heating fuel that burned more cleanly than the locally mined soft coal was doomed to fail. Yet it is hard to see how the smoke abatement movement would have played out any differently in Birmingham during the 1940s. The enormous influence of coal producers in Alabama made a campaign that targeted soft coal all but unimaginable. The demands of wartime industrial production made any attempt to cut air pollution from industry extremely difficult. Ironically, the wartime demands of the federal government eventually contributed to smoke abatement as smoky skies threatened airport expansion and airplane production in Birmingham. It was this first sign of federal involvement in Birmingham's air quality that prompted some city officials to shift from an emphasis on

[2] Though "smoke" does not accurately describe all of the emissions in the air in Birmingham during the 1940s and 1950s, I use the term as residents did during that period. It was not until the 1950s that people in Birmingham, recognizing that the air over their city was much more complex than previously thought, commonly began using the term "air pollution." Until the 1950s, people involved in the movement to clear up the city's skies referred to themselves as proponents of "smoke abatement," a term I use when discussing this era.

educating coal users to a push for a new smoke ordinance. Despite the mild pressure from Washington, Alabama's coal industry remained influential during the 1940s. With few exceptions, the presence of the coal industry prevented Birmingham from following the example of other cities, such as St. Louis, that had reduced smoke by switching to cleaner-burning fuels. Birmingham did pass a new smoke ordinance in 1945, but due to the influence of the coal industry, this weak law had little impact.

The debate over the smoke ordinance revealed two competing visions of Birmingham's economic future. On one side was the leadership of the iron, steel, and coal industries, the industries upon which Birmingham's economy had been based since its founding in 1871. Though not universally opposed to reducing smoke, industry leaders claimed to be doing their part and blamed much of the problem on residents' improper burning of coal. Though their arguments were not always consistent, they sometimes made the case that a certain level of smoke was part of the price an industrial city must pay. On the other side were business and civic leaders who, though well aware of the city's dependence on heavy industry, envisioned a more diversified economy in the postwar era. They, too, concentrated their smoke abatement efforts on small-scale polluters, but they frequently discussed smoke abatement as a necessary condition for the city's economic growth, particularly in the fields of aviation and healthcare, both of which were incompatible with smoke that blackened skies and irritated lungs.[3]

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[3] The debate over smoke was part of a larger disagreement about the city's economy. Christopher Scribner has argued that Birmingham witnessed a face-off between two different visions of the city's economic future. On one side were business leaders and officials at the newly formed medical center who sought a more diversified local economy. On the other side were industrial leaders, often supported by working-class voters, who wanted heavy industry to remain the leading sector of the local economy. See Christopher MacGregor Scribner, *Renewing Birmingham: Federal Funding and the Promise of Change, 1929–1979* (Athens: University of Georgia Press, 2002), esp. 1–7. For a discussion of the postwar southern industrial economy, see James C. Cobb, *The Selling of the South: The Southern Crusade for Industrial Development, 1936–1990*, 2nd ed. (Urbana and Chicago: University of Illinois Press, 1993) and Bruce J. Schulman, *From*

A business reporter at the *Birmingham News* captured what seemed to be a common sentiment among Birmingham residents in a column he wrote in July 1945, a few months before the passage of the new smoke ordinance. "There are growing indications that more and more of [Birmingham's] citizens have come to realize that smoke is just a plain, everyday nuisance; that it denotes neither prosperity nor activity, and that its continued presence here will be one of the biggest barriers to Birmingham's future industrial expansion." Like most residents of Birmingham, the reporter did not argue that smoke abatement should come at the expense of industry. In fact, he argued that clearer skies were necessary for future economic growth, most likely air travel and airplane production, which were top concerns of many civic leaders during the 1940s. To smoke abatement proponents during the 1940s, smoke was a problem, but one they believed could be solved. The column continued, "The city will not collect garbage from householders without adequate garbage cans. Uncle Sam insists that proper mail boxes be posted in convenient places. It is as simple as that. A place for the mail, a place for the garbage, and a place for the smoke."[4]

The smoke abatement movement of the 1940s developed after at least a decade of almost non-existent organized activity for reducing air pollution. Though there had been some complaints about smoke during the 1920s, when the city's economy was booming, an coherent smoke abatement movement failed to take hold in the decade after World War I. Complaints about smoke became even less common during the Great Depression when the city's industrial sector was devastated. The Depression struck Birmingham particularly hard, with federal officials calling the city "the worst hit town in the

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Cotton Belt to Sunbelt: Federal Policy, Economic Development, and the Transformation of the South 1938-1980 (Duke University Press, 1994).

[4] "Business, Industry and Defense," *Birmingham News*, July 8, 1945.

country."[5] At a time when dormant smokestacks symbolized the city's diminishing economic fortunes, most residents and officials were reluctant to call for reducing smoke even more. The lack of smoke abatement activity did not mean the city's skies no longer had any smoke. Industrial output dropped dramatically during the 1930s, but heavy industry was not the only source of smoke in Birmingham. Before the widespread switch to natural gas after World War II, homes and businesses in Birmingham relied on coal-fired furnaces for heat. This bituminous coal, known as "soft coal," was convenient and cheap but it came with a cost: significant smoke.[6]So even during the Great Depression, smoke persisted in Birmingham, especially during the winter. During the economic disaster of the depression, the widespread association of smoke with heavy industry made city officials reluctant to cut down on smoke.

The city's reply to a 1933 survey from *Collier's Weekly* summed up many city leaders' attitudes toward smoke abatement during the Depression. Remarking that the present city ordinance was largely ineffective, the city attorney reported to the magazine

> we haven't a modern scientific method of dealing with the smoke situation in our City, and it is quite a nuisance, especially in the winter time when the smoke stacks from all the private residences are adding to the smoke emitted from our manufacturing plants in and about the City. Since the depression [sic], however, we have been only too glad to see smoke arising from our plants and have not seen fit to impose any burdens or extra expense on manufacturers, or our citizens. I may say, however, that there is a growing tendency in some of the better residential sections of our City to use coke instead of soft coal, and also a few manufacturers are voluntarily using smoke consumers.[7]

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[5] Quote in George R. Leighton, "Birmingham, Alabama: The City of Perpetual Promise," *Harpers Magazine*, August 1937, 239.

[6] For a discussion of the role of bituminous coal in Alabama's iron industry, see W. David Lewis, *Sloss Furnaces and the Rise of the Birmingham District: An Industrial Epic* (Tuscaloosa: University Alabama Press, 1994), 42–46.

[7] W. J. Wynn to W. B. Courtney, November 21, 1933, file 1007.5.6, James M. "Jimmie" Jones Papers, Birmingham Public Library Department of Archives and Manuscripts (BPLDAM).

City officials recognized that smoke was a problem but did not want to do anything that might have had a negative effect on the city's economic lifeline, heavy industry. Clearing the air was a noble goal, but it could not come at the price of jobs and income. What is worth noting is that the city attorney recognized that both industry and coal-burning home furnaces contributed to smoke in Birmingham. That industry produced a significant amount of smoke seems obvious, but the impact of iron and steel mills would be minimized by smoke abatement supporters during their 1940s campaign.

The absence of an organized smoke abatement movement during the 1930s did not mean that all residents accepted smoke as unavoidable. As the city attorney had noted in his reply to *Collier's*, some people who lived in the "better residential sections" were switching to coke, a cleaner-burning—and more expensive—form of coal. Thus they could reduce the visible smoke near their homes. Still, it is important not to overestimate the benefits of switching to coke. Even if one household switched, many of its neighbors probably did not.[8]

Though affluent households that switched to coke could not guarantee that their neighbors would do the same, they were still likely to be exposed to less smoke than poorer people. It was a matter of geography. Those who were better off were less likely to live near industry and more likely to live at a somewhat higher elevation than the poor and working class. Before World War II, middle- and upper-middle-class white neighborhoods within the city limits were mostly located along Red Mountain, elevated somewhat from Jones Valley, where the city lay. It is important not to overestimate the benefits of living in neighborhoods that were, at most, a couple of hundred feet above the

[8] For a discussion of coke, see David Stradling, *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881–1951* (Baltimore: Johns Hopkins University Press, 1999), 8.

floor of the valley. Residents living on higher ground, whether along Highland Avenue on the Southside or in Roebuck Springs in the eastern part of the city, could not completely escape from the city's smoke. This would help explain this January 1940 editorial in the *News* that urged the city commission to get serious about smoke abatement:

> Excessive smoke, although it may come largely from certain areas, spreads over all the city. Its menace creeps into every home. No one is exempt from the danger to health that smoke means. The resident of East Lake and the resident of Norwood alike have an interest in smoke abatement. And the person living on a bystreet on Southside who may seldom hear an automobile horn or smell uncollected garbage still suffers from smoke that creeps into his home by day and by night, soiling his clothes, being breathed into his lungs.[9]

Most higher ground within the city limits was not high enough to always be above the smoke. Still, it was better than the valley floor.[10]

Yet some of the better off citizens had found a way to escape a large part of the industrial smoke in Birmingham. These were the residents of Birmingham who moved out of the city into Shades Valley on the southern side of Red Mountain from Birmingham. Extensive suburbanization of this "over-the-mountain" area did not occur until after World War II, but even before the war, some residents of Birmingham, mostly white-collar employees, began moving outside of the central city and onto and over the surrounding hills. Citizens concerned about Birmingham's slow population growth noted that suburban development was a factor. A May 1940 editorial in the *News* suggested,

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[9] "Sound, Smell and Smoke," *Birmingham News*, January 10, 1940.

[10] Based on a study of New England cities showing a correlation between altitude and income, with higher-income residences more likely to be on higher ground, geographer William B. Meyer has called for more research on the relationship between altitude and urban development. The history of Birmingham follows this pattern, with more affluent residents moving to higher ground fairly early in the city's history. See William B. Meyer, "Bringing Hypsography Back In: Altitude and Residence in American Cities," *Urban Geography* 15 (September 1994): 505–513.

perhaps too hopefully, that smoke abatement could lure some recent suburbanites back into the city:

> Out of the smoke zone many hundreds and even thousands of Birmingham persons have moved in the last few years. They have gone to where the air is fresher and more healthful, where dust and soot and smoke do not soil clothes and household furnishing so quickly, where paint lasts longer, and where the stars shine clear at night and the sun rises in beauty instead of through smog....Clean up the city's air, and Birmingham could regain much of this population.[11]

For the most part suburban areas over the mountain were spared the worst of Birmingham's air pollution. More of a ridge than a mountain, Red Mountain nevertheless was tall enough to keep most smoke out of Shades Valley. In 1947 the *Shades Valley Sun*, a weekly paper that covered the suburban areas over the mountain, published the results of an informal poll showing that many people had moved out of Birmingham to escape the smoke.[12] Of course, smoke was not the only factor in the suburbanization of the Birmingham area. Just as in other cities, the growing availability of the automobile allowed residents to move away from the streetcar lines. Yet if escaping the smoke was not the only reason for moving to more distant suburbs, it clearly was a very important one.[13]

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[11] "Smoke and Population," *Birmingham News*, May 11, 1940.
[12] "Moving Over the Mountain," *Birmingham News*, June 24, 1947.
[13] Kenneth T. Jackson has shown that many factors contributed to U.S. suburbanization, including federal housing policy, but a desire to escape from smoke, noise, and grime of industry certainly motivated some people to move away from the inner city. In his study of Chicago and Manchester, Harold Platt has found that a desire on the part of the affluent to move away from factories contributed to neighborhoods segregated by class, with those who could afford it living as far away from industry as practical. A similar pattern developed in Pittsburgh, according to Angela Gugliotta. See Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985); Harold Platt, *Shock Cities: The Environmental Transformation and Reform of Manchester and Chicago* (Chicago: University of Chicago Press, 2005), 10; and Angela Gugliotta, "'Hell with the Lid Taken Off:' A Cultural HIstory of Air Pollution—Pittsburgh" (Ph.D. dissertation, University of Notre Dame, 2004), 179.

The fact that some Birmingham residents moved over the mountain, for whatever reason, stirred resentment among many who remained in Birmingham. An editorial in the *News* hinted at such resentment:

> Many motorists driving into town from the clear, pure air of the suburbs yesterday morning turned on their headlights when they got down into the city where the worst smog so far this season was settling over streets and buildings. If among those motorists were some of the persons responsible for the smoke which helped cause the smog, and if any of those persons forgot to turn off their headlights and thereby ran their batteries down, one would not necessarily be an old meanie if he failed to feel any regret.[14]

Two things were at work here. First, in the 1940s, it was news to no one that the air over the mountain was clearer than in Jones Valley. Second, the *News* seemed to be a bit resentful of those who lived over the mountain but made their livelihood in Birmingham. This resentment was broader than the smoke issue. The relationship between Birmingham and its suburban areas was conflicted throughout the twentieth century (and into the twenty-first). Many of the conflicts were related to taxes. Birmingham officials often complained that suburban residents benefited from Birmingham's amenities without paying for them. Similarly, there were complaints that those who owned or ran the major industries escaped most of the pollution they produced by being able to afford to live over the mountain.[15]

Not everyone agreed with backers of smoke abatement that cleaning up the air would slow or reverse the migration of residents to the suburbs. In the spring of 1940

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[14] "And Still--Smoke in Birmingham," *Birmingham News*, October 13, 1945.

[15] Birmingham residents who could not afford to move away from smoke recognized the fact that those who profited the most from industry tended to live as far away as possible from smokestacks. This pattern reflects what Platt, quoting Toqueville, has identified as the "paradox of progress." According to Platt, Toqueville saw on a visit to Manchester "the early stages of a historic process that was beginning to create a society of affluence and leisure but seemed to be destroying the very thing it was ultimately seeking to enhance, the quality of daily life." Birmingham industrialized later than Manchester, but the paradox of progress was apparent there, too. Birmingham was born for industry, but that industry made the city a pretty miserable place to live, at least for those who could not move over the mountain. See Platt, *Shock Cities*, 11.

Mabel Jones West, the president of the Alabama Woman's Democratic Club, argued that people were fleeing the city because they did not want to pay their fair share of taxes. Referring to the city's largest cemetery, West wrote,

> Elmwood is a beautiful city, but it is a city of the dead. Birmingham is a beautiful city only when it is alive, alive with the hum of industry—alive with money put in circulation through private enterprise—alive with hope and the joy of security—alive with the smoke that breathes prosperity.... Our citizens who have moved over the mountain have done so, not so much to avoid the smoke—as to avoid the taxes that make Birmingham the great city that it is.[16]

Smoke was a sign of prosperity, something to be managed but not eliminated. West's solution to the problem of population loss to the suburbs was to annex the surrounding areas.

> Those who live over the mountain make their living in the City [sic] of Birmingham. Would it not be wiser for civic-minded groups to attempt to bring all of these outlying sections into the City [sic] of Birmingham so that we can continue to show healthy growth? Then the men who live over the mountain would pay their fair share of the taxes for the many advantages that they would thus enjoy.[17]

Neither West nor the supporters of smoke abatement were victorious during the 1940s. The city did not annex the rapidly developing suburbs over the mountain nor did the smoke ordinance that eventually passed in 1945 have any noticeable effect on the migration of residents to the suburbs.

The 1945 smoke ordinance had its roots in the revival of the city's smoke abatement movement in 1940 by Commissioner J. W. "Jimmie" Morgan.[18] His first step

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[16] "Smoke—The Symbol of Our City's Prosperity," *Birmingham Post*, May 15, 1940.
[17] Ibid.
[18] Unfortunately, primary sources documenting the smoke abatement campaign of the 1940s and the implementation of the 1945 smoke ordinance are very limited. A fire at city hall in 1944 destroyed many municipal records. Of those records that survived the fire, many were lost over the years as the city did not establish an archives until the 1970s and a records management department until the 1980s. Before a system for saving city records was implemented, files and materials that were kept were stored at various places in the city, including the attics of fire stations. In some instances, city officials destroyed their

was not to draft legislation but to call for a smoke abatement conference at City Hall. The purpose of the conference was to study the existing smoke regulations and plan for more effective controls. The city's Progressive-era smoke ordinance, passed in late 1912 and weakened considerably the following year, was still on the books, but the city had no smoke inspector to enforce it.[19] Once the committee was in place, it agreed to solicit the participation of various labor groups, including the CIO, AFL, railroad brotherhoods, and organizations of heating and general contractors. It also invited the Jefferson County Medical Society to join the effort.[20]

The *News* greeted Morgan's smoke conference with praise, calling it "the most heartening step taken in the current agitation for abatement of the nuisance that is injuring Birmingham's health and property to the extent of many million dollars a year." Smoke was often touted as a sign of Birmingham's economic progress, but the *News* lamented its economic costs. In particular, the paper contended that smoke was driving Birmingham residents to the suburbs. The paper noted that one suburban developer used the slogan, "Out of the smoke zone into the ozone" to promote his over-the-mountain neighborhood.[21]

As the campaign for smoke abatement in Birmingham began to develop, the fact that just a few years earlier residents had bemoaned the lack of smoke from the area's

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records after leaving office. Though there are a handful of relevant documents from this era, the bulk of the historical record must be reconstructed using newspaper accounts.

[19] "Morgan Summons Conference to Fight Smoke Nuisance," *Birmingham News*, January 18, 1940; "Smoke Control Discussion Set: Commissioner Morgan Is Head of Conference to End Nuisance," *Birmingham Age-Herald*, January 19, 1940. For a discussion of Birmingham's Progressive-era attempts to reduce smoke, see David Stradling, *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881–1951* (Baltimore: Johns Hopkins University Press, 2002), 131–37. The struggle over smoke abatement in the Progressive era had pitted downtown commercial interests who sought relief from nearby mills and industrialists and labor unions who argued that smoke abatement would harm the local economy.

[20] "E. E. Michaels Named Permanent Chairman of Smoke Committee: Organization Perfected and Campaign Will Get Under Way Soon," *Birmingham News*, February 1, 1940.

[21] "Action on the Smoke Front," *Birmingham News*, January 19, 1940.

mills and foundries did not escape the attention of some residents of the Magic City. A letter from Lotoise Plant Mauck to the *News* captured this attitude:

> If Shakespeare could rise and speak again, I'm sure he would say, "What fools ye mortals still be."
> Just a very few years ago how thrilled the people of Birmingham would have been to drive through town in a dense "smog." How they longed once more to see smoke coming out of smokestacks in Ensley as well as other manufacturing plants over the city.
> I well remember being in another state for several months, and I met a gentleman who had passed through Birmingham. Longing to hear from the "home town" from one recently there, I asked him to tell me about Birmingham, and his reply was: "Birmingham looks like a graveyard; not a sign of smoke anywhere."
> Without smoke there wouldn't be any Birmingham; it takes the smoke from our steel mills, furnaces and manufacturing plants to make the wheels of progress turn. Just do away with the smoke and you'll soon do away with Birmingham; but think of the people who will suffer while Birmingham passes away.
> Let's not complain about the smoke; let's call attention to it with pride. It has taken the smoke to wipe the depression out of Birmingham. We can no more rid our city of "smog" and still be a city than London can rid itself of its fog. So let's do something else besides complain about the smoke.[22]

Mauck's attitude was a common one in Birmingham. Many residents did not enjoy smoke, but they considered it the price they paid for their livelihood in an industrial city.[23]

Most proponents of smoke abatement took pains to state that their aim was not to shut down industry. In a response to Mauck's letter, the *News* challenged the idea that regulating smoke was equivalent to eliminating industry: "To argue that smoke is a good thing is like saying that we should do nothing about controlling traffic because automobiles are nice things to have around, a sign of civilization and wealth and culture

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[22] Lotoise Plant Mauck, "Birmingham's Smoke," *Birmingham News*, January 1940.
[23] Birmingham residents who interpreted smoke as a signal that the depression was drawing to a close were not alone. Pittsburgh was also hit hard by the depression, and many of its residents opposed smoke abatement in the late 1930s. Though Pittsburgh would implement a new smoke ordinance later in the 1940s, in 1939 the city council went so far as to eliminate the Bureau of Smoke Regulation. See Joel A. Tarr, "The Metabolism of the Industrial City: The Case of Pittsburgh," *Journal of Urban History* 28 (July 2002): 511–545.

and all that. Let's do away with traffic lights and laws on speeding and reckless driving, because we do not want to discourage ownership of automobiles."[24] This was a common theme among proponents of smoke abatement during the 1930s, 1940s, and even the 1950s in Birmingham. They considered smoke not a sign of prosperity but a sign of wasted fuel.[25]

Again and again proponents of smoke abatement stressed that their intent was not to shut down Birmingham's industry, especially during wartime. Commissioner Morgan noted as much in a letter he sent to the newly selected members of the smoke committee:

> It is not our intent to handicap industry or others by placing a heavy expensive burden on them in the matter of changing up the equipment they have, but to try by various ways to plan ordinances on construction and put forth an educational program to instruct users of coal in proper firing and other methods to eliminate as much as possible the black sooty smoke that we are having to contend with.[26]

An editorial in the *Post* struck a similar chord, arguing that smoke abatement was a movement for the efficient use of fuels:

> There was a time, not so long ago, when we promised ourselves never again to object to the 'smoke nuisance' in Birmingham if only we could get the smoke once more to pour in dark heavy clouds from the district's industrial stacks. Now we find ourself weakening. It was a case of the devil's illness producing pious inclinations we suppose....Furnaces and boilers fired properly not only would solve the city's smoke problem but would save fuel as well. That being the case all smoke offenders should be doubly interested in co-operating.[27]

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[24] "'Fools' and Smoke," *Birmingham News*, January 1940.

[25] Interest in the most efficient use of fuel was most intense during the smoke abatement movement of the early 1900s, as engineers were convinced that smoke abatement was technically possible and would lead to more efficient use of coal. According to Stradling, these efficiency arguments began to be less effective after World War I. Birmingham's World War II-era smoke abatement movement shows that this efficiency argument, though perhaps not as prevalent as it had been during the Progressive era, did not disappear. See Stradling, *Smokestacks and Progressives*, 85–87, 156. For the history of the broader conservation movement and its emphasis on efficiency, see Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890–1920*, paperback ed. (Pittsburgh: University of Pittsburgh Press, 1999).

[26] J. W. Morgan to unknown, January 30, 1940, file 1007.5.6, James M. "Jimmie" Jones Papers, BPLDAM.

[27] "We Hope," *Birmingham Post*, January 31, 1940.

Yet again, the focus of the smoke abatement movement in its early days was on conservation of resources. Smoke represented waste that could be eliminated if only the public would burn coal properly.[28]

In its response to Mauck's criticism of the smoke abatement movement, the *News* went a step further in denying that the campaign would damage industry. The newspaper contended that industry was not the major source of smoke in Birmingham. "Let the critics of smoke abatement look to the stacks of the iron smelters and steel furnaces for traces of black smoke, remembering that white smoke is really steam and harmless. They will find that the large corporations of this district for the most part have learned the sound economy of modern equipment and scientific firing and are consuming all their coal instead of letting a lot of it go forth as moke [sic]." This was an argument that would be made again and again during the 1940s and even into the 1950s. Smoke abatement during the World War II era in Birmingham focused less on heavy industry and more on residential and commercial burners of coal. It was not until the 1950s that supporters of smoke abatement would turn their focus toward heavy industry, including furnaces that were located outside the city limits. Despite claiming that industry was not to blame for most smoke in Birmingham, the editorial concluded, "The industrial city must accept a certain amount of smoke. It is a price we must pay for the industrial activity. But there is

[28] It may seem odd to concentrate on domestic use of coal in an industrial city, but home furnaces and boilers did produce a significant amount of smoke. During the 1920s and 1930s smoke and fuel experts increasingly targeted domestic coal use They believed that industry and railroads had made some technical advances in reducing smoke, but domestic coal burning produced more black smoke per pound of coal. See Tarr, "Metabolism of the Industrial City," 524; Frank Uekoetter, *The Age of Smoke: Environmental Policy in Germany and the United States, 1880–1970* (Pittsburgh: University of Pittsburgh Press, 2009), 74–75.

no sense, no prudence, no thrift in paying a larger price than we need."[29] This ambivalence toward industry was typical of mid-century Birmingham.

Despite the city's authority under the existing ordinance to clamp down on smoke offenders, the general thrust of smoke abatement during the early 1940s was on education and encouragement. It should not come as a surprise that when a world war was boosting heavy industry that had been ravished by the Great Depression, the focus of the first smoke conference was not on reducing smoke from industry. Instead the target was coal-burning furnaces in homes and apartments. The consensus at the first smoke abatement conference, held in January 1940, was that the top priority should be teaching residents how to burn coal properly.[30] One of the first actions of the smoke committee was to draft pamphlets on proper furnace firing to be given to homeowners.[31] Local papers supported the campaign. They often ran articles instructing readers on how to reduce smoke by properly firing their furnaces. Typical was a February 1940 *Post* article called "Do You Know Art of Burning Coal?" In it, James L. Davidson of the Alabama Mining Institute, the state coal mining operators' association, instructed home coal consumers on "How to Burn Coal in Open Grate," "How to Start Fire with Coal," "How to Fire Coal Ranges," and "Finally, How to Bank Fire."[32]

Several months after the smoke committee formed, the group recommended that the city hire a chief smoke inspector.[33] Just four people applied for the position.[34] Thomas

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[29] "'Fools' and Smoke."
[30] "Smoke: Regulation Committee Appointed by City to Fight Menace," *Birmingham Post*, January 22, 1940.
[31] "Anti-Smoke Crusade Is Gaining Headway," *Birmingham News*, February 28, 1940.
[32] This educational approach was typical of smoke abatement campaigns in the 1920s, 1930s, and early 1940s. See Uekoetter, *The Age of Smoke*, 75; "Do You Know Art of Burning Coal?," *Birmingham Post*, February 2, 1940.
[33] "Smoke Abatement Officer Proposed: Personnel Board Asked to Provide Eligible List," *Birmingham Age-Herald*, May 29, 1940.

W. Langford, a retired master mechanic at Tennessee Coal, Iron, and Railway Company (TCI), a division of U.S. Steel, was awarded the job. Retired from TCI since the early 1930s, Langford was presently operating the elevator at the county courthouse.[35] Langford took a cooperative rather than confrontational approach to dealing with smoke producers. He concentrated on educating business owners and residents on how to reduce smoke rather than on fining or arresting smoke offenders.[36] Some of Langford's first activities were smoke education classes for the firemen who operated furnaces and boilers of apartment buildings, schools, and other large buildings. The courses included instruction on firing techniques that could reduce smoke.[37] The smoke inspector made few public comments about industry's contribution to the city's smoke. In fact, when industry was mentioned, it was often said that local industries were taking all smoke-reduction steps that were feasible during wartime.

Dealing with smoke was to many civic leaders a sign that Birmingham was a major city. Backers of smoke abatement repeatedly cited other cities that had or were dealing with their smoke problems. Part of this could have been strategic. Other cities' success in fighting smoke demonstrated that smoke abatement in Birmingham was not a hopeless cause. At the same time civic leaders in Birmingham seemed to have been asserting that Birmingham was not a southern backwater but a major city that dealt with major problems. The *News* ran a brief item in which Mayor Fiorello LaGuardia of New York discussed the smoke problem and the seriousness with which he viewed it. In response, the *News* reporter declared, "Which comment should cause us here in

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[34] "Only Four Apply for Smoke Inspector Job," *Birmingham Post*, August 8, 1940.
[35] "Smoke Inspector's Job Given Langford," *Birmingham Post*, September 9, 1940.
[36] "Fight against Heavy Winter Smoke Pall Is Launched by City," *Birmingham News*, November 3, 1940.
[37] "Comes the Smoke," *Birmingham News*, September 27, 1940.

Birmingham to realize that when we, too, recognize smoke as a terrible problem and do something about it, then we shall be a grown-up city, like New York."[38] Comparing Birmingham to New York was laughable. Obviously Birmingham was not even close to being in the same league as New York. The article indicated, though, that at least some Birmingham residents considered the smoke abatement campaign as a sign that Birmingham was a modern, forward-looking city.

When industrial or commercial sources took steps to reduce smoke, it was big news. For instance, all three local papers reported on Birmingham Electric Company's installation of smoke-reducing blowers at its downtown power plant. The coverage of the event in the *News* exemplified several prevalent attitudes toward smoke abatement during the war years. The paper noted that '[t]he two billows of smoke that have poured for many years from the twin stacks at the Birmingham Electric Company steam plant at Powell Avenue and Nineteenth Street have been tamed, and are now merely twin streams of hot, colorless gases."[39] To the twenty-first century reader aware of carbon dioxide's effect on global climate, colorless gases can be very menacing. In World War II-era Birmingham, however, the darkness and density of smoke were all that mattered. The focus was on the appearance, not the content of the emissions. Heavy, dark smoke could make daily life miserable. As the article noted, "Many a motorist, many a pedestrian has chaffed [sic] at the smog which infests the city from Autumn to Spring, many an hour has been lost in slowed down traffic, many a fender has been bumped, many a radiator on

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[38] "Quoting Mayor LaGuardia," *Birmingham News*, March 9, 1940.
[39] "Beco Changes Its Steam Plant in Smoke Abatement Program: No More Will Those Familiar Twin Plumes Add Their Burden to City's Unhealthy Smog," *Birmingham News*, December 4, 1940; "BECO Installs Smoke Reducer: New Equipment Is the First Result of Campaign Sponsored by City," *Birmingham Post*, December 4, 1940; "Blowers to Cut Smoke Nuisance: Electric Company Plans to Make Improvements at Steam Plant," *Birmingham Age-Herald*, December 5, 1940.

truck and automobile crushed." There was also a focus on not wasting resources. This theme was apparent in previous decades in Birmingham, but it may have become even more important during wartime: "[E]very time a source of thick, black, oily smoke is eliminated by the installation of modern machinery and stoking method, not only does the city profit as a whole, but the firm or factory which installs the devices profits by reduced operating costs plus the intangible asset of increased good will of the public."[40]

The smoke abatement movement mostly concerned itself with the economic impact of smoke—property damage, wasted fuel, etc.—rather than on any harmful health effects. In fact, at the first meeting of the smoke committee, one of the members, Dr. J. D. Dowling, the county health officer, declared that smoke was not to blame for any health problems aside from some nasal irritation. He noted that no study had linked smoke to health problems.[41] Not everyone agreed. A *News* editorial that ran a week after the first meeting summarized various medical research on the health effects of smoke. Much of the information in the editorial was drawn from the 1933 book *Stop That Smoke* by Henry Obermeyer. The editorial did not offer conclusive evidence that smoke was harmful to human health, but it did seem to suggest that health officials should play a key role in smoke abatement in Birmingham. It noted that smoke abatement efforts in many other cities, including St. Louis, Pittsburgh, Los Angeles, and Chattanooga, were directed by health officials.[42] The editorial did not mention that Birmingham's smoke abatement program was led by a former elevator operator.[43]

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[40] "Beco Changes Its Steam Plant in Smoke Abatement Program: No More Will Those Familiar Twin Plumes Add Their Burden to City's Unhealthy Smog."
[41] "Campaign to End Smoke Menace Is Begun by City," *Birmingham News*, January 22, 1940; "Smoke: Regulation Committee Appointed by City to Fight Menace."
[42] "Smoke and Health," *Birmingham News*, January 29, 1940.
[43] Though concerns about the health impact of smoke and other forms of air pollution were not new, the health impact of air pollution did not dominate the argument in the United States until the late 1950s and

Many Birmingham residents questioned the effectiveness of the smoke abatement program. It's hard to blame them. Roughly a year after the smoke committee began its work, the city experienced a particularly bad smog episode. In a January 1941 editorial the *News* urged citizens to be patient. The editors urged residents to be realistic, noting that the city was trying to reduce, not eliminate smoke: "An industrial city cannot hope to eliminate all smoke. Some smoke is the price to be paid wherever large groups of people work and live together. It is one of the costs of city comforts along with noise and traffic dangers." The *News* added that because of the educational nature of the smoke abatement program, what progress would come would not happen immediately.[44] In January 1941 Commissioner Jimmie Morgan, who spearheaded the smoke abatement campaign, urged the public to be patient, noting that the aim of the smoke abatement campaign was not to eliminate coal: "We are not attempting to coerce the people into using foreign coal or burning other materials, and for that reason, mainly, the problem cannot be solved as quickly as many would want us to."[45]

Again and again in the 1940s proponents of smoke abatement stressed that industry was doing its part. In late January 1941 the *Age-Herald* noted that "the large plants in the district long ago learned that the black stuff in smoke was too valuable to waste. Large industries know that it is wasteful to stoke fires so that black smoke pours out, and most of them get by-products from the smoke that once was the pride of our town. But we still have smoke in Birmingham and we should continue to try to eliminate

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early 1960s. The exception was Los Angeles, where health concerns about smog arose earlier. See Uekoetter, *The Age of Smoke*, 221–24.

[44] "Out of the Smog," *Birmingham News*, January 15, 1941.

[45] "The Smoke Problem," *Birmingham News*, January 17, 1941.

it." The implication was that if industry was doing its part, then homeowners and other small users were not doing their best to reduce smoke from their coal fires.[46]

A photo that appeared in the *News* in late January 1941 showed what visitors to Birmingham's downtown faced during periods of heavy smog. The caption to the photo, which was taken around 7:30 a.m., said that morning drivers were forced to rely on headlights to navigate city streets. Even with headlights, at least one accident attributed to poor visibility occurred on the morning of the photograph. The photograph accompanied an article in which industry executives and engineers claimed that they caused very little smoke. Instead the blame lay on hotels and other large businesses that could install smoke-reducing equipment but had not.[47] This attitude toward industry was not unique to Birmingham. In cities around the nation in the 1940s and early 1950s, supporters of smoke abatement called for cooperation with industry.[48]

Roughly a year into the smoke abatement program, the city's smoke inspector reported slow progress. From September 1940 to September 1941, most of the activities of the smoke abatement department had been related to education. Some industries had installed mechanical firing equipment and steam blowers. The smoke inspector estimated that 55 percent to 60 percent of smoke in the city came from private residences. In response to the report, the *Age-Herald* declared, "We must all look to our own hearths—and even then we may not expect a miracle to be worked overnight."[49] A few months earlier, during the summer of 1941, Morgan and Langford had announced that the smoke ordinance, which had been on the books for decades, was to be enforced. The men

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[46] "We Still Have Smoke," *Birmingham Age-Herald*, January 22, 1941.
[47] "Smoke Unnecessary, Says Big Business of Local Nuisance: Scientific Methods of Elimination Are Found Satisfactory," *Birmingham News*, January 30, 1941.
[48] Uekoetter, *The Age of Smoke*, 119–20.
[49] "Not In a Day," *Birmingham Age-Herald*, December 2, 1941.

mentioned some industry, but the focus was on commercial establishments, like hotels and laundries, as well as railroads. The officials warned that they would be using the Ringlemann chart to measure the density of smoke. The Ringlemann chart, used in most cities during the first half of the twentieth century, measured smoke density based on the appearance of smoke, not its content. To identify a smoke violation, a table that included several shades of gray—from light to very dark—was compared to smoke from a smokestack or other source. If the smoke was a darker shade than allowed by law, it was in violation. The chart was a crude way to measure smoke, but one advantage was that it was simple to use. Despite the announcement, little changed in the smoke abatement campaign. During the early 1940s the smoke abatement movement continued to emphasize education, not enforcement.[50]

Proponents of smoke abatement in Birmingham during the 1940s frequently compared Birmingham to other industrial cities that faced serious smoke problems. St. Louis was often held up as a city that had similar problems as Birmingham. Like Birmingham, soft coal was the primary fuel used to run industries and heat homes in St. Louis. In the 1930s St. Louis's mayor had appointed a combustion engineer to address the smoke problem. In 1940 the city passed a smoke ordinance that required the coal users to switch to so-called smokeless fuel, such as processed coal, or to use coal-burning equipment that eliminated smoke.[51]

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[50] "Birmingham Seeks to Eradicate Smog within City Limits: Ringleman [sic] Chart Viewed by Expert as Means of Giving Public Relief," *Birmingham News*, June 30, 1941; Joel A. Tarr, *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective* (Akron: University of Akron Press, 1996), 15; Uekoetter, *The Age of Smoke*, 159, 266.

[51] For a discussion of smoke abatement in St. Louis, see Tarr, *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective*, 149; Andrew Hurley, *Common Fields: An Environmental History of St. Louis* (St. Louis, Mo.: Missouri Historical Society Press, 1997); and Stradling, *Smokestacks and Progressives*, 163–67.

Many anti-smoke campaigners looked to St. Louis as an example of a successful smoke abatement program, but the influence of the Alabama coal industry made it unlikely that Birmingham would follow the St. Louis model. An editorial in the *News*, which supported the smoke abatement campaign throughout the 1940s, was typical of the attitude toward the smoke abatement movement in St. Louis. Replacing soft coal with another fuel would never work in Birmingham, according to the *News*, because of the central role of the coal industry in Alabama. The paper noted with approval that a representative of the coal industry had been added to the Birmingham smoke committee after the first meeting.[52]

Indeed, when Commissioner Morgan announced the smoke conference in early 1940, one of the first constituencies to respond had been the Alabama Mining Institute, the trade organization for the state's coal operators. In a letter to Morgan the Institute's president pledged his group's support. Members of the coal association would "welcome and extend practical cooperation to the City [sic] in its efforts to find a solution to this problem."[53] Without denying that coal operators would have liked cleaner air in Birmingham as much as other residents, it is important to note their interest in protecting the use of coal in Birmingham's furnaces. Recognizing that St. Louis and other cities were moving toward cleaner-burning fuels, coal operators in Alabama were concerned that cutting down on smoke not cut down on their business.

Throughout the smoke campaign of the 1940s the Alabama coal industry played a visible role, acting as a cheerleader as long as reducing smoke did not mean reducing the use of Alabama coal. When Birmingham Electric installed smoke-reducing equipment at

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[52] "The Smoke Committee," *Birmingham News*, January 23, 1940.
[53] Unsigned letter to J. W. Morgan, January 19, 1940, file 1007.5.6, James M. "Jimmie" Jones Papers, BPLDAM.

its downtown plant, the head of the Alabama Mining Institute praised the electric company for its modern and efficient use of coal. The coal leader hoped that other industries would follow the lead of the electric company and make good use of Alabama's "unlimited supply of black gold."[54]

Besides acting as cheerleader, the coal interests participated directly in the education campaign of the smoke abatement movement. In April 1943 the Alabama Mining Institute announced the formation of a committee to aid with smoke abatement.[55] At the time Morgan welcomed the coal operators' participation. He suggested that their expertise with coal would be helpful to residential and industrial users in deciding the best type coal to use in their furnaces.[56] One of the first actions the Alabama Mining Institute took was to sponsor, along with the city of Birmingham, a lecture by an engineer who was an expert on smoke abatement.[57] The public was invited to the meeting, which was to focus on ways to eliminate "unnecessary smoke."[58] The engineer, who was the head of the fuel engineering division of Appalachian Coal, Inc., told his audience that Birmingham could improve its smoke as St. Louis had. The key was not necessarily to change fuel, as St. Louis had, however. The engineer stressed that modern coal-burning equipment could reduce smoke in Birmingham.[59] He noted that the three main problems in Birmingham were "improper heating equipment, poor maintenance and an antiquated

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[54] "For a Cleaner Birmingham: Birmingham's Electric's Contribution toward Smoke Abatement Draws Praise of Experts," *Birmingham News*, December 8, 1940.
[55] "Group Will Aid Fight on Smoke: Committee Named to Represent Alabama Mining Institute," *Birmingham Post*, April 17, 1943.
[56] Ibid.
[57] "Cooperation Pledged by Mining Institute in Smoke Abatement: Combustion Engineer to Work with City in Controlling Nuisance," *Birmingham News*, April 17, 1943.
[58] "Smoke Control Expert to Explain Methods to Local Business Men: Widely Known Engineer Will Speak at Tutwiler under Auspices of City," *Birmingham News*, June 13, 1943.
[59] J. W. Morgan, "Citizens Invited to Smoke Abatement Meeting," *Birmingham Post*, June 14, 1943.

type of heating stove."[60] The take-home message from the talk, as summarized in an *Age-Herald* editorial, was "Do Not Blame the Coal." The key to cleaning up Birmingham's air was to be efficiency, according to the editorial.[61]

Focus on efficiency is often associated with the Progressive-era conservation movement, but the language of efficiency remained prominent during the early postwar era in Birmingham. In an editorial published in response to a community meeting on smoke abatement, the *Age-Herald* repeated the local mantra that Birmingham could not follow the St. Louis example of banning soft coal because of the importance of the Alabama coal industry. Referring to coal, the newspaper wrote, "It is a basic resource of this area. But we all should do what we can toward reaching maximum efficiency in fuel consumption; this means getting the most out of each lump of coal. The more that is burned properly, the less smoke will result."[62] It is easy to criticize the smoke abatement movement for its decision not to ban soft coal in local furnaces, but the movement was no match for the coal industry. The proof of the coal industry's power would come when it succeeded in weakening the smoke ordinance that the city eventually adopted in late 1945.[63]

The smoke abatement campaign kicked off before the U.S. entered World War II, but the war would soon begin to have a significant impact on smoke control in Birmingham. Citizens were urged to do their patriotic duty by properly burning coal so as

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[60] "Birmingham Area May Reduce Smoke Without Changing Fuel: Carroll F. Hardy, Mine Engineer, Tells Group How St. Louis Brought about Clearer Skies," *Birmingham News*, June 14, 1943.
[61] "Smoke Nuisance Plans Offered: Abatement Committee Hears Outline by Coals Expert," *Birmingham Age-Herald*, June 15, 1943.
[62] "Do Not Blame the Coal," *Birmingham Age-Herald*, June 16, 1943.
[63] The coal industry's involvement in the smoke debate of the World War II era varied from place to place, with more antagonistic relationships between city officials and the coal industry in St. Louis and more cooperative ones in Pittsburgh. The Alabama coal industry was publicly supportive of smoke abatement, but it worked behind the scenes to protect its economic interests. See Uekoetter, *The Age of Smoke*, 82–86.

not to waste any bit of fuel during wartime. Despite such appeals to patriotism, the realities of wartime sometimes interfered with smoke abatement efforts. Part of the city's campaign for smoke abatement involved encouraging homes and businesses to install equipment that would reduce smoke. However, wartime demands on industry meant that such equipment was not always available. Demand for smoke-reducing stokers was far greater than the supply. One article noted that there were only 150 residential stokers available for the 5,000 households that wanted them. Because of the scarcity of stokers, for both commercial and residential use, citizens had to apply to the War Production Board to install one.[64]

Judging the success of the smoke abatement program during World War II is difficult, in part because of the lack of accurate measurements. Birmingham's chief smoke inspector concluded that there had been some progress during the war years even if the skies were not noticeably clearer. Speaking in early 1945, Langford said that Birmingham was probably as smoky as it had been in 1940. He noted, though, that industrial production was much greater in 1945. Smoke abatement measures had worked to reduce smoke: "So, granting there is as much smoke visible now as in 1940—we have made some advances. Because, without our program, we would probably have to burn lights downtown at high noon." The war was repeatedly cited as a reason that the smoke abatement program had not been more effective. The assertion that wartime industrial production kept the city from reducing smoke even further seemed to contradict the inspector's frequent claims that residential and commercial users, not factories and mills, were Birmingham's main smoke problems. But at the time, Birmingham's smoke

[64] "Citizens Are Urged to Lend Aid in City's Smoke Abatement Plan: Concerted Effort Is Being Made to Remedy Smog Situation at Least by Next Summer," *Birmingham News*, March 21, 1943.

abatement leaders accepted that it was not possible for industry to eliminate all smoke. Such pollution was the price of living in an industrial city. Yet the smoke inspector and others believed that residential and commercial users were still producing more smoke than necessary due to improper coal burning or inadequate equipment.[65]

Perhaps the greatest impact of World War II on Birmingham's smoke abatement movement involved mild federal pressure on Birmingham to do something about its smoky skies if the city wanted to play a significant role in the aviation industry during and after the war. The federal government's involvement in smoke abatement in the 1940s was two-pronged. First, federal officials refused to provide funds for runway extensions at the city's airport because the city's dirty skies interfered with air traffic. They told city officials that Birmingham would have to clean up its air before it could receive more funds. Second, the army told the city that smoke threatened the usefulness of the large bomber-modification plant being built by Bechtel-McCone-Parsons Company near the airport. The problem was that large, four-engine planes had a hard time taking off from and landing at the airport when the air was dense with smoke. The federal government would play a much more active role in Birmingham's air pollution control problem in the 1960s and 1970s, but this early pressure from Washington during the war provided some ammunition to the smoke abatement movement. Commissioner Morgan noted that the demands and regulations of war had prevented the city from stepping up its enforcement efforts against smoke offenders. With the development of military projects in the Birmingham area, however, he said that the battle against smoke

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[65] "Establishment of T.B. Hospital Objected to Due to Smoke, Dust," *Birmingham News*, December 2, 1944.

must be "aggressively carried forward."[66] Part of his plan was to hold a series of smoke conferences with various groups, including apartment owners, school officials, and railroad executives. He also continued to seek cooperation from residents on reducing smoke in their homes.[67]

Birmingham had long associated its smoke with economic progress, but the federal government's refusal to fund runway extensions led business leaders to fear that the one-time symbol of prosperity might turn out to limit economic development in the postwar era.[68] The denial of federal aviation funds set off concerns that the city would be left behind in the commercial air industry after the war. Editors of the *News* told readers, "We have but one choice. Either we elect to keep abreast and move ahead with the aviation parade or we can keep our smoke and resign ourselves to accept our place as a city of the second rate. If we are to move ahead then we must get rid of the smoke. The time is already short."[69]

In response to economic threats, Morgan said he planned to ask the commission to enact new smoke laws. Turning the common idea that smoke represented economic progress for Birmingham on its head, Morgan charged that smoke actually imperiled the

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[66] "Chance to Get Stoker Is Slim: 5000 Domestic Prospects Want the 150 Units Available Here," *Birmingham Post*, March 17, 1943.

[67] It is difficult to determine precisely what effect federal pressure had on the smoke abatement movement in Birmingham, but Morgan intensified his efforts around the same time that news of the possible loss of the airplane plant broke. "Smoke Abatement Plan to Be Started at Once," *Birmingham Age-Herald*, March 6, 1943.

[68] This example supports Christopher Scribner's argument that a conflict over the city's economic future developed during the decades after World War II. This conflict pitted supporters of the traditional industrial economy and backers of a more diversified economy. Though the two groups were not opposed on the issues of the airplane plant or airport improvements, the pressure of the federal government bolstered supporters of a diversified economy by showing how smoke formerly associated with prosperity could limit the city's economic future. For a discussion of the impact of the federal government on the economics and politics of Birmingham and other southern cities, see Scribner, *Renewing Birmingham*, 1–5, 140–46; Schulman, *From Cotton Belt to Sunbelt*; Numan V. Bartley, *The New South, 1945–1980* (Baton Rouge: Louisiana State University Press, 1995).

[69] "Smoke Nuisance Conference Set," *Birmingham Post*, March 8, 1943; "Commissioner Morgan Promised Cooperation in Smoke Menace Ban," *Birmingham News*, March 12, 1943.

city's future prosperity: "We believe that Birmingham people will cooperate when they understand that the smoke is not only an hourly menace to their health but to the progress of their city."[70] The *News* saw the threat of the loss of the aircraft facility as just the nudge the city needed to get serious about smoke abatement: "If the coming of the airplane modification plant here serves to give Birmingham the final shove into a real smoke-abatement program, it will turn out to be even more of an asset than it was originally expected to be."[71] The threat of the loss of a bomber plant spurred some residents to push for focusing less on residential users and more on commercial and industrial ones.[72] Despite the increased pressure to reduce smoke, the city smoke inspector still claimed that the city's residential users remained the largest smoke problem.[73]

Late in 1944, the city's smoke problem was mentioned as an obstacle to another type of development. The dean of the newly established University of Alabama medical school declared his opposition to the establishment of a tuberculosis hospital in Birmingham.[74] He opposed a TB hospital in Birmingham because of the city's smoke and dust. The dean suggested that smoke would have a detrimental effect on Birmingham's future. He concluded that the case of the TB hospital was "only an example of how smoke can prevent the coming of institutions to Birmingham." The medical school dean

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[70] "Sweep Out the Smoke!" *Birmingham Post*, March 3, 1943.
[71] "Smoke Is Threat to Part of City's New Plane Plant: Action Is Needed If Some of Facilities Are Not to Be Lost," *Birmingham News*, March 5, 1943.
[72] "Smoke and the Plane Plant," *Birmingham News*, March 6, 1943.
[73] "[Now that Birmingham]," *Birmingham Age-Herald*, March 3, 1943.
[74] The dean's reluctance to build a tuberculosis hospital in Birmingham was an early example of the influence of the University of Alabama at Birmingham (UAB) on the city. In the 1960s and 1970s physicians and students associated with UAB, some Alabama natives and other transplants lured to town by the medical center, would play important leadership roles in the clean air movement. For a discussion of the early development of the Medical College of Alabama, which would become part of UAB, see Scribner, *Renewing Birmingham*, 33–39.

was not the only one in Birmingham who saw smoke as an impediment to development. An editorial in the *News* declared, "What is true in regard to the hospital is probably true in regard to other institutions. In the face of such facts, smoke must be regarded as a liability to the community, the cost of which is great and immeasurable."[75] Similarly, the dean's comments spurred the Civitan Club to step up its efforts for a citywide smoke abatement campaign.[76]

Members of the Junior Chamber of Commerce, or Jaycees, were some of the most prominent leaders to argue that smoke was a threat to the city's economic future. Toward the end of World War II, the Jaycees began playing a leading role in the smoke abatement movement.[77] Some of the group's actions were typical of the Birmingham smoke abatement movement. For example, during the summer of 1945 the group demonstrated smoke-abatement equipment to the public in places like laundries. The Jaycees did more than try to raise public awareness, however. They drafted a revised smoke ordinance that was introduced in September of 1945. A member of the Jaycee smoke abatement committee declared that Birmingham's future depended on dealing with the smoke problem. "Birmingham's future is jeopardized by the continual pall of smoke and grime that hangs over the city," said Drummond Gaines. The Jaycee member believed that much of the opposition to the Red Mountain tunnel, which would have connected the city to its growing suburbs over the mountain, was based on fears that such a tunnel would drain residents from Birmingham. According to Gaines, those who had

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[75] "Smoke Held Bar to TB Hospital," *Birmingham Age-Herald*, December 2, 1944; "Establishment of T.B. Hospital Objected to Due to Smoke, Dust."
[76] "Smoke and Hospitals," *Birmingham News*, December 11, 1944.
[77] "City's Smoke Nuisance Aired at Meeting of Civic Leaders," *Birmingham News*, February 19, 1945; "Clear the Atmosphere," *Birmingham News*, August 29, 1945.

already moved over the mountain and those who wanted to were mostly trying to get away from the dirty and smoky city.[78]

Though smoke abatement supporters had discussed enacting a stronger ordinance before, the ending of World War II eliminated some of the obstacles to strengthening smoke regulation. Part of the justification for the introduction of a stronger smoke ordinance in 1945 was that the lifting of wartime restrictions on production made it more feasible to acquire smoke-reducing equipment for industry. An August 1945 editorial in the *News* noted that home furnaces remained a major contributor to air pollution during the winter, but the focus of the editorial was on industry and other commercial users. Part of this was technical. With the war over, smoke-reducing equipment was more easily available for industries.[79] "There is no longer any reason, with the war at an end, for Birmingham to tolerate this smoke nuisance," declared Drummond Gaines, a member of the Jaycee smoke abatement committee. "The people have tolerated this wholly unnecessary menace to their health and happiness long enough, and it seems certain that the only way to get citywide results is through an enforceable ordinance with teeth in it." The Jaycees worked with the city's smoke inspector to draft an ordinance that would strengthen the city's ability to control smoke. The original draft included limits on the burning of soft coal in some parts of the city, particularly neighborhoods in and around downtown. [80] Jaycee members and city officials stated that they would have liked to

[78] "Smog Discussed at Club Meeting," *Birmingham Age-Herald*, June 15, 1945.
[79] "Headway Is Gained in City's Fight for Smoke Abatement: Close Check Kept on Railroads; Chief Inspector Langford Tells of Many Handicaps Encountered," *Birmingham Post*, January 15, 1945.
[80] "Fight Against Smoke in City Getting Hotter: Junior C. of C. Will Stage Demonstration at Imperial Laundry," *Birmingham News*, August 27, 1945.

avoid enacting a new ordinance, but that voluntary cooperation with the smoke abatement program had not been vigorous enough.[81]

Drummond Gaines's characterization of smoke as a "wholly unnecessary menace to their health and happiness" may seem out of character in a smoke abatement movement that had mostly avoided discussing the health impact of smoke. As the war was ending, though, health was beginning to become an important justification for smoke abatement. In the days leading up to the passage of the 1945 smoke ordinance, Dr. George A. Denison, city-county health officer, discussed the health impact of smog. He emphasized a series of studies conducted in Pittsburgh and Cincinnati by Dr. Clarence A. Mills of the University of Cincinnati. The research suggested that where residents lived affected the impact of smoke on their health. In Cincinnati, a third of residents lived in hollows but they had three-quarters of the cases of pneumonia. Results were similar for tuberculosis. Denison cited research showing a similar pattern in Pittsburgh. The same researchers also found, presumably in Cincinnati, that lung cancer was three times more common in the smoky valleys as in the presumably clearer hills.[82] In the article Denison did not discuss health differences between the hills and valleys of Birmingham. A few days later, though, he noted that the air on Red Mountain was often fresher than in the valley where the city lay.[83] This would not have come as a surprise to Birmingham-area residents, who were well aware of the impact of geography on their exposure to smoke.

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[81] "Firm Smoke Control Ordinance Coming Before Commissioners: Measure Would Force Installation of Needed Devices, Stop Soft Coal's Use in Some Areas," *Birmingham News*, August 28, 1945.
[82] "Smoke Control Week Proclaimed by Green in War on Menace," *Birmingham News*, August 29, 1945.
[83] "Health of City to Be Affected by Smoke Loss: Investigations Find Smogless Localities with Less Sickness," *Birmingham News*, September 14, 1945.

For decades real estate developers had promoted their developments with promises of hilltops above the smoke or valleys protected by mountains from smoke.[84]

The editors of the *News* used Denison's remarks on smoke and health to encourage residents to push for smoke abatement. In an editorial in response to Denison's comments, the *News* noted

> [r]esidents of the Birmingham district do not have to be told which parts of this city have the heaviest and most frequent blankets of smoke and smog. But many of those who have to live in the lower-lying sections may not fully realize that they are imperiling their health as long as they live under such conditions. These, as well as all other residents of this city, should take it upon themselves to do everything they can to further the campaign for smoke abatement which is under way here now. Let's make Birmingham both cleaner and more healthful by cutting out unnecessary smoke.[85]

The tone of the editorial was somewhat condescending to people who lived in low-lying parts of the city, who—even had they fully recognized the health implications—lacked the resources to buy cleaner-burning coal furnaces or to move to less smoky areas. Yet the editorial showed that residents of Birmingham's hills and valleys were well aware that some areas were smokier than others.[86]

Organizers of the smoke abatement campaign supported stronger legislation, but they also encouraged the city's residents to take action on their own. The following quote is from a *News* article in which the reporter, who regularly covered the smoke abatement issue, urged residents who were fed up to take action: "Birmingham citizens who are tired of suffering unnecessarily from sinus infections; who know they are spending

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[84] "Depressing Humidity, Characteristic of City, Produced by Smog," *Birmingham News*, September 16, 1945.

[85] "Dr. Conner: We'll Have No Tummy Aches Around Here If Smoke Counts for Anything," *Birmingham Post*, September 17, 1945.

[86] Some supporters of smoke abatement in other cities were also unsympathetic to the economic burden that smoke abatement programs could place on the poor. A smoke abatement leader in St. Louis expressed a similar attitude when someone pointed out the cost of cleaner-burning fuel, responding, "It would not paralyze them if they had to spend $20.00 more a year." Uekoetter, *The Age of Smoke*, 81.

needless hours over wash tubs, and with brooms and mops fighting dirt and grime, are going to have to bring pressure to bear on offending plants to get quick results." The reporter noted that the Jaycees and a group called the Citizens Committee for Smoke Abatement were encouraging residents to call plants and industries directly.[87] It seemed that with the war over, anti-smoke activists felt freer to target industry.

Organizers of what was probably the city's first Smoke Abatement Week, in early September 1945, simultaneously pushed for stricter legislation and greater civic participation. In particular, organizers encouraged housewives, who they said "fight dirt the year 'round in their homes," to attend the smoke abatement demonstration at a downtown laundry. The hope was that housewives would support smoke abatement efforts when they understood what could be done to reduce "the needless daily burden" of unnecessary smoke.[88] Women played a major role in the push for a stronger smoke ordinance, though men led the movement. In comments leading up to the introduction of the revised ordinance, Commissioner Morgan emphasized the impact of smoke on women's daily lives:

> The women of Birmingham suffer the greatest inconvenience because of smoke. They are the ones who must fight dirt in the homes, and they are the ones who must wash, scrub, clean house and try to make the best of a bad situation. And now that they know the facts about smoke abatement, they are rallying behind the program from one end of the city to the other. We welcome this interest and solicit more of it. We want their letters and their suggestions. We welcome into the campaign every woman in Birmingham. We hope every club, social and otherwise, is behind the thing. We want them to be signify [sic] their interest and pledge their cooperation."[89]

Whether or not women bore a disproportionate burden from smoke is hard to say. On the one hand, Morgan was right that women who took care of their homes, or in the case of

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[87] "Smoke and Health," *Birmingham News*, September 15, 1945.
[88] "Smoke Control Becomes a Job of John Q. Public, Personally," *Birmingham News*, September 2, 1945.
[89] "Smoke Abatement Week Aims to Rid City of Health Menace," *Birmingham News*, September 4, 1945.

domestic workers their employers' homes, certainly dealt with the dirty debris of air pollution everyday. On the other hand, men who worked in the area's plants and furnaces confronted the heat and dirt in a much more intense way.[90] Quibbles about the measurable impact aside, Morgan seemed to have hit a sensitive nerve in area women. Male groups like the Jaycees spearheaded the drafting of the smoke ordinance, but women—both individuals and organizations—played a significant role in raising public support for smoke abatement.

Women had been active participants in smoke abatement campaigns in the Progressive era in Birmingham and cities around the nation. For many women involved in smoke abatement efforts, this public activity was a form of "municipal housekeeping." This activity did not challenge traditional gender roles as women were extending their concerns about health, beauty, and cleanliness of their homes to the wider city. In Birmingham during the 1920s and 1930s, middle-class and upper-middle-class women often took the concept of municipal housekeeping literally, running annual clean-up campaigns during which they encouraged fellow citizens to beautify their yards and paint their houses. These women did not mention smoke, though it was smoke that made frequent house painting a necessity in Birmingham.[91]

Smoke may have been the elephant in the room during the city's clean-up campaigns, but Birmingham women did get directly involved in the smoke abatement

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[90] In Angela Gugliotta's research on Pittsburgh in the late nineteenth and early twentieth centuries, men who worked in industry experienced the most pollution-related health problems, but it was the elite citizens who led smoke abatement campaigns aimed at reducing the impact of smoke on working-class and poor women and children, specifically the extra housework dust and other debris created for these women. Angela Gugliotta, "Class, Gender, and Coal Smoke: Gender Ideology and Environmental Injustice in Pittsburgh, 1868–1914," *Environmental History* 5 (April 2000): 165–93.

[91] For a discussion of municipal housekeeping, see Suellen Hoy, "'Municipal Housekeeping': The Role of Women in Improving Urban Sanitation Practices, 1880–1917," in *Pollution and Reform in American Cities, 1870–1930*, ed. Martin V. Melosi (Austin: University of Texas Press, 1980), 173–98 and Hoy, *Chasing Dirt: The American Pursuit of Cleanliness* (New York: Oxford University Press, 1995).

movement in the 1940s. Women's clubs responded to Commissioner Morgan's request and provided support to the effort to enact a new smoke ordinance. Despite this involvement, women played a supporting rather than a leading role in the wartime smoke abatement movement. It was men like Commissioner Morgan and male groups like the Jaycees who directed the movement.[92]

During late summer and early fall in 1945, the strengthened smoke ordinance was under consideration by the city commission. While these deliberations were going on, the smoke inspector's office began taking a more aggressive approach to smoke abatement. Relying on the existing smoke ordinance first passed in 1912, the smoke inspector began arresting smoke offenders. Commissioner Morgan declared that now that the war was over, the city was getting serious about smoke abatement:

> We just simply did not want to divert one ounce of energy from the war effort to attempt enforcement of the anti-smoke ordinance, but now that the war is won, the city is serving notice that smoke abatement is not a plaything; that we mean business; that Mr. Langford is compiling a list of those who do not seem to care what the people want, and that we intend to go to bat with offenders.[93]

At least initially, the city was "going to bat" against fairly low-level offenders. Among those arrested in the crackdown was a foreman at the Birmingham Belt Railway

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[92] Women's participation in various urban reform movements of the Progressive era has been well documented. See Maureen A. Flanagan, "The City Profitable, The City Livable: Environmental Policy, Gender, and Power in Chicago in the 1910s," *Journal of Urban History* 22 (January 1996): 163–90; Flanagan, *Seeing with their Hearts: Chicago Women and the Vision of the Good City, 1871-1933* (Princeton N.J.: Princeton University Press, 2002); Harold L. Platt, "Jane Addams and the Ward Boss Revisited: Class, Politics, and Public Health in Chicago, 1890–1930," *Environmental History* 5 (April 2000): 194–222; and Stradling, *Smokestacks and Progressives*, 52–55. The environmental activism of women between the Progressive era and the modern postwar environmental movement warrants further study. For a profile of a woman whose activism spanned much of the twentieth century, see Jack E. Davis, "'Conservation Is Now a Dead Word': Marjory Stoneman Douglas and the Transformation of American Environmentalism," *Environmental History* 8 (January 2003): 53–76. For an example of a city where women played a more prominent role in a mid-century smoke abatement movement than did they did in Birmingham, see Ted Moore, "Democratizing the Air: The Salt Lake Women's Chamber of Commerce and Air Pollution, 1936–1945," *Environmental History* 12, no. 1 (January 2007): 80–106.

[93] "Smoke Abatement Drive Brings Big Praise to Morgan's Work," *Birmingham News*, September 11, 1945.

Company, who was charged with burning cross-ties in an open bonfire. Another arrestee was the manager of a casket company who allegedly failed to install proper smoke-abatement equipment.[94] The impact of these arrests on Birmingham's air quality was surely minimal. At least in the early days of the crackdown, major industry was not targeted, and its owners and employees certainly not arrested. But the imminent passage of the smoke ordinance seemed to encourage some industries to improve their smoke control. In the days leading up to the passage of the smoke ordinance, two of the largest industries located within the city limits, Sloss-Sheffield Steel & Iron Company and Republic Steel Corporation, pledged to keep their smoke emissions under control.[95]

During the fall of 1945 Morgan and other proponents of smoke abatement pushed for stronger legislation, but they also continued to emphasize the responsibility of individual citizens. In early 1945, the first cool spell of the year brought with it, as usual, the first smog. At this time the introduction of the smoke legislation was delayed because of an under-staffed city legal department. Even without strengthened legislation, Morgan said that there was much the citizenry could do. Quoted in the *News*, he said, "I wonder...if those people who saw Fall's first heavy smog this morning, have checked up on their own premises to be certain they are not contributing?" The *News* article continued, "That's one of the biggest things we've got to do in our efforts to rid Birmingham of smoke. We've simply got to create and maintain a sense of individual and personal responsibility in the matter."[96] The statements of Morgan and the *News* reporter

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[94] "City Ready to Go to Bat to Enforce Smoke Law," *Birmingham News*, September 23, 1945.
[95] "Anti-Smoke Drive Trips Up Two More," *Birmingham Post*, September 25, 1945.
[96] "More Plants Join in Fight Against Smoke: Fullest Cooperation Promised by Sloss and Republic Steel," *Birmingham News*, September 15, 1945.

reflected what seemed to be a common attitude toward smoke abatement. Yes, more legislation was needed but individual residents needed to do their part, too.

The Jaycees had the smoke ordinance ready in early September of 1945, but it was not until November that the city commission considered the proposed ordinance. The legal department claimed that the delay was due to the office being under-staffed. However, as at least one editorial noted, legislation drafted after the smoke ordinance was being reviewed first by the city's legal department. Whether there were behind-the-scenes reasons for the legal department's delay—perhaps pressure from coal producers—is undocumented but likely. In November, though, coal operators and railroads publicly sought and received a postponement in the consideration of the smoke ordinance. The Alabama Mining Institute, the coal trade group, said it did not oppose the ordinance. It simply wanted more time to review the ordinance, which it claimed contained some inconsistencies.[97] At a meeting that apparently included representatives from the coal industry and railroads as well as Morgan and Langford and the Jaycees, industry and the city disagreed over the effect of the ordinance. Morgan accused the coal industry of being uncooperative, a charge the Alabama Mining Institute representative denied. The main concern of the coal industry was one section of the proposed ordinance, which the Alabama Mining Institute claimed would prohibit the use of soft coal in residences. The coal group contended that many people in Birmingham could not afford to buy smokeless equipment for their homes. Coal industry engineers were to draft additional sections that they said would not threaten the use of coal for home heating. Representatives of

[97] "Smog Falls on City But Smoke Control Work Is Progressing," *Birmingham News*, October 12, 1945.

railroads seemed to have fewer objections. Representatives from both sectors said they supported the goal of smoke abatement.[98]

At the end of November 1945 the city commission unanimously adopted the smoke ordinance. Based on meetings between smoke abatement proponents and the coal and railroad sectors, the original ordinance drafted by the Jaycees was changed in several ways. The ordinance exempted most one- and two-family homes from its provisions. The exception was a central zone that included much of downtown and Southside. Notably, this downtown area included the predominantly African American neighborhoods on the city's south side. Residents of these neighborhoods, which would be razed to make room for the expansion of the medical college and, in the 1960s, the University of Alabama at Birmingham (UAB), surely were some of the least likely to be able to pay for smoke abatement equipment in their homes. Despite the exemption of most one- and two-family homes from the ordinance's provisions, residents of all homes faced a fine or even jail time if they installed new equipment that did not meet the ordinance's standards.[99] The exemption of most one- and two-family homes from smoke regulations struck some smoke abatement supporters as a problem. The *Post* praised the passage of the law but argued the smoke problem would be solved only when smoke from single-family homes was controlled.[100]

Despite the last-minute weakening of the ordinance, supporters of smoke abatement were happy to have a new law on the books, even if they believed that progress would be slow. In the days after the ordinance's passage, Commissioner Morgan

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[98] "City's New Smoke Ordinance Strikes More Complications," *Birmingham News*, November 13, 1945.
[99] "Smoke Ordinance Threatens Coal as Fuel for Dwellings," *Birmingham News*, November 15, 1945.
[100] "City Commission Enacts Measure to Curb Smoke: Ordinance Is Passed by Unanimous Vote; Small Homes Exempt," *Birmingham News*, November 27, 1945; "City Smog Law Sets Penalties: Fines and Terms Provided for Homes as Well as for Business," *Birmingham Post*, November 27, 1945.

told Birmingham residents to "not expect miracles." Morgan said that clearing the smoke from Birmingham's skies "[was] going to take time. But we know that in due time Birmingham will take its place along with St. Louis and other progressive cities in eliminating the smoke problem. Don't expect too much too soon. The improvement will be slow and gradual.'"[101] That was a bit of an understatement. In the first few years following the passage of the smoke ordinance, there was little visible improvement in the skies over Birmingham. It was not until the early 1950s, when residents and business owners, over the protests of the coal industry, began switching from coal to natural gas for heating, that a significant source of smoke was reduced. By that time, residents began to abandon the term smoke in favor of air pollution as they realized that what they could not see could indeed hurt them. It was also in the 1950s that industry, which was only occasionally targeted by the 1940s smoke abatement campaign, became the number-one target of a budding air pollution control movement.

Though the effectiveness of the smoke abatement movement during the 1940s was limited, Birmingham's experience during the World War II era revealed hints of important and related trends that would become more important during the 1950s and 1960s. One was a clash of viewpoints between leaders of heavy industry, who claimed that air pollution control would cripple the city's industrial economic base, and many civic and business leaders, who believed that the lack of air pollution control imperiled the city's economic diversification into fields such as aviation and healthcare. Another trend was the introduction, albeit tentative, of a health-based anti-pollution argument. Economic arguments were the main justification for smoke abatement in the 1940s, though a few people begin to link the city's smoky skies with its unhealthy lungs. Finally,

[101] "New Smoke Abatement Ordinance Is Now Law," *Birmingham Age-Herald*, November 28, 1945.

federal involvement was introduced into the debate over air quality in Birmingham. Washington did not order Birmingham to clean up its air during the 1940s, but its threat to withdraw funding for airport improvements and military aviation projects was the beginning of a federal presence in air pollution control in Birmingham that would gradually increase during the 1960s, culminating in a court order temporarily shutting down industry in 1971. Though in one sense a minor player in the 1940s smoke abatement debate, the federal government actually played a key role in motivating those civic and business leaders who believed that smoky skies spelled doom for Birmingham's economic future.

Chapter 2

Reaching the Limits of Smoke Abatement in the Postwar Era

In the spring of 1951 Birmingham resident Mrs. Sam Schefano only needed to get dressed in the morning to be reminded of Birmingham's poor air quality. Her nylon stockings had begun to disappear before her eyes. Schefano, a resident of Ensley, a neighborhood located near one of U.S. Steel's large furnaces, reported that little holes appeared in her nylons the second time she wore them. At first she thought it might have been a defect in the stockings. But when she traveled to New Orleans, her nylons remained intact. As soon as she returned home to Birmingham, another pair of stockings began disintegrating. Schefano promptly reported the problem, nylons in hand, to the city smoke inspector. Newspaper coverage of the event was tongue-in-cheek and a bit condescending, but the smoke inspector noted that similar problems had been reported in New York, Jacksonville, Denver, and other cities. The inspector asked the city health department to survey the air.[1]

Nylons were not the only everyday items threatened by Birmingham's air in the early 1950s. In 1952 reports surfaced of paint discoloration on houses and other buildings in various parts of the city. In some cases the paint on houses changed color or peeled overnight. Commissioner Jimmie Morgan, who had led the drive for the 1945 smoke

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[1] "Langford Hopes to Solve Nylon Mystery Today," *Birmingham News*, May 2, 1951; "Local Air Dissolves Nylons, Women Say; Inspector Langford Hopes It Isn't So," *Birmingham News*, April 30, 1951; Scott Hamilton Dewey, "'Is This What We Came to Florida For?': Florida Women and the Fight Against Air Pollution in the 1960s," *Florida Historical Quarterly* 77 (Spring 1999): 503–531. The tone of the newspaper coverage of the dissolving nylons reflected how gender identities influenced air pollution politics. In his work on environmental reforms in the Progressive era, Adam Rome has found that men were often wary of being perceived as effeminate because many women were involved in urban reform efforts. Perhaps it is not surprising that Birmingham officials established a committee to investigate damaged paint, not disintegrating nylons. See Adam Rome, "'Political Hermaphrodites': Gender and Environmental Reform in Progressive America," *Environmental History* 11 (July 2006): 440–63.

ordinance, convened a meeting of paint manufacturers, health officials, and smoke inspectors to discuss the problem. The group noted that paint discoloration was particularly common in industrial North Birmingham, but they pointed out that such problems had occurred in various parts of the city. Although industrial fumes were suspected, the group did not identify a specific source of the problem. It remained mysterious, just as the cause of the dissolving nylons had been. The group sought the help of the Southern Research Institute, an independent scientific research center in Birmingham that was chartered in 1941, in solving the paint mystery. In the meantime the group recommended that homeowners paint their homes with lead-free paints, which reputedly were more resistant to fumes.[2]

Both the nylon and paint episodes indicate that air quality remained a problem in Birmingham several years after the passage of the 1945 smoke ordinance. Does this mean that the ordinance was a failure? In some respects, yes, because smoke persisted as a problem into the 1950s. But smoke, much of which was particulate matter produced when coal was burned, was probably not what was destroying nylons and paint. The precise source of both of these problems was not identified, but local officials suspected that chemicals released by local industries were to blame. So even if the 1945 ordinance had ushered in the end of smoke in Birmingham, nylons and house paint most likely would have continued to disintegrate and peel away.

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[2] "Industry, Morgan to Meet--City Again Seeking Ways to Clean Up Polluted Air," *Birmingham News*, October 15, 1952; "Fume-Proof Paint Advised Pending Discoloration Study," *Birmingham News*, October 18, 1952; "Discoloration of Homes Blamed on Fumes, Use of Lead Paint," *Birmingham News*, December 10, 1952; "Meeting re: Air Pollution and Paint Discoloration," October 17, 1952, file 266.26.18, James W. "Jimmie" Morgan Papers, Birmingham Public Library Department of Archives and Manuscripts (BPLDAM).

The persistence of smoky skies in Birmingham and the increasing recognition that other pollutants besides visible smoke were serious problems characterized a period of transition in the movement to clean up the city's air. The smoke inspector and other city leaders continued to target smoke produced within the city limits. Under the powers provided by the 1945 ordinance, they could do little else. The smoke inspector and other local officials gradually began to realize the limits of this approach. Their rhetoric remained mostly focused on coal smoke in the early 1950s, but officials began making cautiously worded statements attributing much of the city's air quality problems to heavy industry located outside of the city limits. They also began to assert that smoke was just part of the problem, with chemicals and gases released by industry contributing significantly to Birmingham's dark skies. It was during the early 1950s that the term "air pollution" slowly began to replace "smoke abatement."[3]

The change in the campaign for cleaner air in Birmingham was a gradual one. The coal industry continued to exert itself, although this influence began to wane as natural gas gradually entered the area. The city's largely deferential attitude toward industry persisted, with city officials for the most part continuing to emphasize cooperation with smoke offenders rather than coercion.[4] Despite the continuance of this cooperative

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[3] It was only in the decade or so after World War II that "smoke abatement" began to fall out of use in cities around the nation, not just in Birmingham. Though smoke abatement campaigns succeeded to varying extents, according to Joel A. Tarr, the success in reducing visible smoke in Pittsburgh may have impeded the recognition of the need to regulate other substances released into the air. See Joel A. Tarr, "The Metabolism of the Industrial City: The Case of Pittsburgh," *Journal of Urban History* 28 (July 2002): 511–545; and Frank Uekoetter, *The Age of Smoke: Environmental Policy in Germany and the United States, 1880–1970* (Pittsburgh: University of Pittsburgh Press, 2009), 3.

[4] Frank Uekoetter argues that from the end of World War II until about 1970, a policy of "pseudocorporatism" prevailed in the United States. According to Uekoetter, pseudocorporatism "was a strange mixture of cooperation and cooptation." He contends that the relationship between industry and regulators was cooperative but that industry had the upper hand. In some respects, Birmingham's experience in the 1940s and 1950s fit this model in that Birmingham officials usually tried to work with local industries to reduce smoke. But because the smoke ordinance applied only to pollution sources within

stance, there was foreshadowing of a more confrontational approach. In a handful of cases, the city directly challenged local industries that consistently violated the smoke ordinance. Citizens' complaints encouraged the city to take a more aggressive stance. These grassroots efforts were led by citizens of relatively modest backgrounds, not the affluent suburbanites who would take the lead in the 1960s environmental movement in Birmingham. These earlier efforts focused on neighborhood concerns rather than on citywide problems and pressured the city to take a stronger stand against offending businesses. Though the city's weak environmental laws limited their impact, the protests of middle- and working-class citizens who lived near smoky factories and stinky packing plants represented a type of environmental activism that defies easy classification, fitting the mold neither of the conservation movement of the first half of the twentieth century nor the postwar environmental movement.[5]

Several developments indicated that Birmingham was approaching a kind of turning point in its struggle with air pollution in the decade after World War II. There were subtle signs of a more aggressive approach toward polluters, though this would produce few results in the short term. As the case of the dissolving nylons and degrading paint indicated, there was growing recognition that black smoke was not the only harmful substance in the air. Gradually, many people in Birmingham recognized that improving

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the city limits, most heavy industry, including the bulk of U.S. Steel's operations, was subject to no regulation at all. Industry's upper hand in Birmingham was an especially powerful one. See Uekoetter, *The Age of Smoke*, 114–15.

[5] Working-class environmental activism during the mid-twentieth century is not as well documented as that of the middle and upper classes, though Andrew Hurley has shown that working-class residents of Gary, Indiana, had similar concerns about pollution as middle-class residents of the Indiana city, but they lived closer to industries that produced air pollution. See Andrew Hurley, *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana, 1945–1980* (Chapel Hill: University of North Carolina Press, 1995), 77–110.

air quality was more complicated than simply eliminating smoke, although no drastic change in action followed until the 1960s.

In the years after the passage of the 1945 smoke ordinance, the small crew of city smoke inspectors kept themselves busy. Only some of the department's records survive, but those that do show that a small team of inspectors, most often a chief inspector and two deputies, occupied themselves with making sure that local smokestacks did not produce smoke that was too dark. City smoke inspector T. W. Langford declared that "those of the more bull-headed type, who resist our efforts to abate smoke in Birmingham," should expect to be taken to court.[6] In the months after the passage of the smoke ordinance, a handful of smoke offenders were arrested. The first reported cases of enforcement involved fairly small-time operators, not large industries. For instance, the owner of two Southside laundries was charged with violating the new ordinance at both of his establishments. In another case the manager of a Southside lumberyard was arrested for burning trash in the open.[7] After an initial flurry of charges in late 1945, city newspapers continued to report on smoke arrests through 1946 and 1947.[8] Many of the offenders were small-time operators, but the arrests did include a superintendent at one of Birmingham's major industries, Sloss-Sheffield.[9]

Even with the power of arrest the city smoke inspector seemed more interested in getting businesses to install smoke-reduction equipment than in paying fines. From the passage of the smoke ordinance in late November 1945 to the end of February 1947, the

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[6] Robert S. Gordon to T. W. Langford, February 27, 1947, file 368.12.35, W. Cooper Green Papers, BPLDAM.

[7] "Smoke Ordinance Charges Placed," *Birmingham Age-Herald*, December 8, 1945.

[8] "$25 Fine Assessed on Smoke Charge," *Birmingham Age-Herald*, December 7, 1946; "Cleaner Is Fined on Smoke Charge," *Birmingham Age-Herald*, November 9, 1946; "Smoke Violation Brings $50 Fine," *Birmingham Post*, February 28, 1947.

[9] "Smoke Elimination Drive Makes Progress," *Birmingham News*, November 21, 1946.

city arrested twenty-seven people for violating the ordinance. Most businesses that were charged pledged to install smoke-reduction equipment, but compliance with the ordinance was sometimes a drawn-out process. For example, the owner of the National Tire and Salvage Company on the north side resisted the charge. His lawyer went so far as to send a letter to Langford, urging the smoke inspector to apologize for his remarks about "bull-headed" people who resisted smoke abatement. In the end the city won its case against the National Tire and Salvage Company owner, who was fined $50 and court costs.[10]

One of the most prominent businesses charged in the crackdown on smoke also dragged its feet in following the law. In December 1945 the smoke inspector charged W. F. Tynes, the president of the Hardie-Tynes Manufacturing Company, with violating the new smoke ordinance. This case was somewhat unusual in that it involved the owner of an industrial firm. Most of the others charged were either employees or proprietors of small businesses like lumberyards and laundries.[11] Tynes did not take kindly to his arrest. In a December 19, 1945, letter to the *News* he charged that the city had not warned his company that it was violating the smoke ordinance. In reply, Commissioner Morgan wrote a letter to the editor taking Tynes to task. Morgan contended that Tynes's company had received several letters from the city, contrary to what one of the company's executives had said. Morgan reported that Tynes had told one of the city's inspectors, "To hell with the smoke abatement ordinance." In his letter to the editor, Morgan

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[10] "'Fly Ash' Is Another Nuisance Due to Non-Smoke Abatement," *Birmingham News*, February 25, 1947; Gordon to Langford, February 27, 1947; "Smoke Violation Brings $50 Fine."

[11] "Firm Is Accused in Smoke Drive," *Birmingham Age-Herald*, December 15, 1945; "It Appears Strong Measures Are Only Cure for City Smog," *Birmingham News*, December 20, 1945.

emphasized the city's cooperation with industry during the war.[12] Despite the vigorous response to Tynes, the city gave the company another chance to comply with the smoke law before issuing any punishment. The city agreed to delay the court case several times as the company began installing smoke abatement equipment.[13]

The city's approach to enforcing the smoke ordinance did not seem to be working. Nearly a year after the passage of the ordinance, smoke remained a big problem.[14] In September 1946 Langford, the city smoke inspector, reported that very few businesses were meeting the standards of the legislation. He noted that two of the city's largest industries, Sloss-Sheffield and Republic Steel, which unlike U.S. Steel's operations were located within the city limits, were still emitting too much smoke. Both companies assured Langford that they would get their smoke under control.[15] In response to the limited impact of the smoke ordinance, Commissioner Morgan expressed a get-tough attitude in the fall of 1946:

> All of us realized that during the hectic war days business men and industrialists were handicapped; that they had production problems to solve, and that the winning of the war was the first order of the day. But that emergency has passed. It has been demonstrated time and again that smoke can be controlled. Nothing less than the fullest compliance with our city ordinance is going to satisfy the people of Birmingham. It is our sworn duty to comply, as far as we can with the wishes of the people. That we fully intend to do.[16]

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[12] "Morgan Replies to Tynes," *Birmingham News*, December 23, 1945.

[13] "Smoke Abatement Charges Passed," *Birmingham News*, January 18, 1946; "Smoke Ordinance Violator Is Fined," *Birmingham Age-Herald*, January 19, 1946.

[14] Evaluating the effectiveness of the smoke ordinance is difficult. The measurement of smoke in Birmingham during the 1940s was relatively crude. The system was based on the appearance and duration of smoke. There was no analysis of the contents of the smoke.

[15] "City to 'Crack Down' Anew on Violators of Smoke Laws," *Birmingham News*, September 17, 1946.

[16] "City Renews Drive to Cut Down Smoke Nuisance in District: Railroads, Laundries, Hospitals Must Watch Stacks or Face Arrest," *Birmingham News*, October 6, 1946.

Despite the persistence of smoke in the city, in late 1946 Langford reported several promising indicators that the city was moving in the right direction in terms of smoke abatement. Nearly all of the city's dry cleaners and laundries had mechanized their furnaces or switched to smokeless fuel. During the summer, 400 stokers, which reduced coal smoke, and 1,500 gas connections had been installed in the city. An estimated 10,000 to 12,000 homes had switched to some sort of smokeless fuel.[17] Despite this progress, there were complaints that many businesses were not doing their part. The same columnist who in December 1946 reported on the progress in smoke abatement wrote a column in February 1947 complaining that a "lack of interest" on the part of many businesses was holding back smoke abatement. The columnist expressed surprise that so many businesses neglected the costs of smoke. He argued that the greater efficiency provided by abating smoke should motivate businesses, but that was often not the case.[18]

Despite the passage of the smoke ordinance, the general pattern of smoke abatement efforts in Birmingham did not change dramatically in the early postwar era. The arrests and fines issued in the late 1940s notwithstanding, the city continued to pursue a cooperative approach with smoke offenders. The smoke ordinance did strengthen the city's hand when dealing with local businesses, however. The city continued to avoid confrontation as much as possible, but the enforcement power of the smoke ordinance was always there to fall back on.

The response of Birmingham officials to a request for advice on smoke abatement provides a good summary of the city's philosophy on smoke abatement in the years after

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[17] "Business and Industry: Some Smog Will Occur Occasionally Here But Great Reduction Has Been Made," *Birmingham News*, December 8, 1946.
[18] "Business, Industry: Lack of Interest Is Holding Back Smoke Abatement," *Birmingham News*, February 1947.

the passage of the smoke ordinance. In a 1950 letter to an official in Tacoma, Washington, Cooper Green, who was then mayor, advised the city to avoid a prosecutorial approach as much as possible: "We have found in this city, on our contacts especially with big business and industry, that it is a very easy matter to get their cooperation without holding a big stick over their heads. In 90% of the cases, when they are creating a nuisance, they are willing to go to the trouble and expense of abating this nuisance."[19] What Green did not point out was that much of the smoke in Birmingham came from industrial sources located outside of the city limits. Even if nine out of ten smoke offenders eliminated smoke, an unlikely occurrence, the city's skies would remain anything but clear.

The city tried a cooperative approach with railroads, whose coal-fired engines were a significant source of smoke. Commissioner Morgan and Inspector Langford were disappointed with what they perceived to be a lack of cooperation from railroads during the first year after the passage of the smoke ordinance. In September 1946 a frustrated Langford wrote to railroad executives to urge them to do more to reduce smoke. One of his goals was for each railroad to hire an engineer or fireman who was an expert on coal burning.[20] Morgan also sent a letter to railroads that chastised their lack of cooperation. He had previously sent similar letters to apartment buildings, commercial laundries, hotels, and other businesses.[21] In response, at least one railroad, the Louisville and

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[19] Letter from W. Cooper Green, September 1950, file 368.12.35, W. Cooper Green Papers, BPLDAM. Based on its location in the archives, this appears to be a letter sent by Green in September, 1950.
[20] "Railroad Officials Are Warned of Local Smoke Law Violations," *Birmingham News*, September 11, 1946.
[21] "Morgan Lays Down Law to Rail Officials Re: Smoke Menace," *Birmingham News*, September 18, 1946.

Nashville, hired a smoke engineer for its Birmingham operation.[22] In addition, in December 1946 the city formed a committee to study ways to reduce railroad smoke. The committee consisted of Langford, two assistant smoke inspectors, and representatives from various railroads that operated in Birmingham.[23]

The railroad smoke committee that started in late 1946 must not have been very effective, because in 1948 the city began a monthly series of meetings between city commissioners, smoke inspectors, and railroad representatives. For the most part city officials praised the railroads, singling out just one railroad for not doing its part for smoke abatement. Even in that case the city blamed the railroad's out-of-town owner, not its local manager. Though the meetings were focused on railroads, city officials used them as opportunities to urge industry, railroads, and homeowners to do their part to reduce smoke. Commissioner Cooper Green claimed that smoke had been reduced by about 62 percent during the previous four years. Green claimed that reduction in smoke could reap health benefits for the city as it had done in St. Louis. He cited a 38 percent decline in sinus and nasal problems since St. Louis implemented its smoke abatement program. The big problem in Birmingham, according to Green, remained home users, who continued to be blamed for as much as 60 percent of smoke in Birmingham.[24]

City officials seemed optimistic about winning the smoke battle, but they had no illusions that the process would be swift. Speaking at a meeting of railroad officials in

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[22] "Smoke Engineer Is Picked by L. & N.," *Birmingham Age-Herald*, October 22, 1946.

[23] "Group Starts Study to Abate Train Smoke," *Birmingham News*, December 11, 1946.

[24] W. Cooper Green to L. M. Westerhouse, May 21, 1948, file 368.12.35, W. Cooper Green Papers, BPLDAM; L. M. Westerhouse to W. Cooper Green and J. W. Morgan, May 20, 1948, file 368.12.35, W. Cooper Green Papers, BPLDAM; "Minutes of the Smoke Abatement Meeting, April 16, 1948," file 368.12.35, W. Cooper Green Papers, BPLDAM; "Minutes of the Smoke Abatement Meeting, May 27, 1948," file 368.12.35, W. Cooper Green Papers, BPLDAM; "Railroads Cut Smoke in City by 75 Per Cent: One Line Is Cited as Unco-Operative," *Birmingham Post*, March 12, 1948.

April 1948, Commissioner Morgan admitted that he had known from the start that reducing smoke in Birmingham "would be a headache." Despite the challenge, Morgan claimed that "progress was being made slowly....We have gotten the job done without too much use of the strong arm of the law."[25] Even with the arrest power of the 1945 ordinance, city officials concentrated on educating the public and businesses on how to reduce smoke. In some cases, city officials would try to broker arrangements in which scientific experts would advise businesses on how to reduce emissions from their plants. For example, county health officer George A. Denison advised the operators of a cement plant that was the subject of complaints to work with an expert with the state department of industrial hygiene.[26] Similarly, city officials encouraged local industries to avail themselves of the expertise of the locally based Southern Research Institute in developing technical solutions to pollution problems.[27]

Smoke abatement in Birmingham during the late 1940s involved a lot of meetings. In the fall of 1948 yet another smoke committee was formed in Birmingham. This one, a 23-member board, was established to review the progress of smoke abatement since 1940. Commissioner Morgan claimed smoke had been reduced by 70 percent since 1940. Even with this progress, Morgan and other supporters of smoke abatement were not satisfied. The board was appointed to move Birmingham to the next level of improvement, but its methods were very similar to what had been done before. The first step of the new advisory board was to push for a renewed educational campaign to

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[25] "Minutes of the Smoke Abatement Meeting, April 16, 1948."

[26] George A. Denison to G. S. Williams, May 26, 1949, file 368.7.20, W. Cooper Green Papers, BPLDAM; George A. Denison to T. F. Hobart, June 1, 1949, file 368.7.20, W. Cooper Green Papers, BPLDAM.

[27] J. W. Morgan to Frank E. Moore, January 4, 1951, file 266.26.18, James W. "Jimmie" Morgan Papers, BPLDAM; J. W. Morgan to Frank E. Moore, January 19, 1951, file 266.26.18, James W. "Jimmie" Morgan Papers, BPLDAM.

encourage homeowners to reduce smoke from their coal-burning furnaces. "When we have educated the public, much of our problem will be solved," said T. H. Cremer, the retired railroad employee who chaired the new panel. Reports of the panel mention the impact of industry, but, once again, residential users were the primary targets of smoke abatement in Birmingham.[28]

At the same time that public officials were leading education campaigns and holding meeting after meeting with railroad, coal, and other business leaders, a less powerful and much less organized movement against smoke and other forms of pollution was developing in neighborhoods around the city. Though city records are very limited, it is clear that during the 1940s and 1950s, small groups of Birmingham residents organized to protest sources of smoke and other pollution in their neighborhoods. Although it was not until the 1960s that a cohesive environmental movement developed in Birmingham, as early as 1943 residents living near a polluter complained to the city. In March of that year, during the middle of World War II, a group of West End residents complained to the city commission about the noise and smoke from a cleaning plant in their neighborhood. This complaint was representative of many civic actions during the 1940s and 1950s. The concerns of the residents were immediate and local. They focused on the aspects of a particular business or industry that directly affected their homes or businesses. Whereas environmentalists in Birmingham in the 1960s and 1970s spoke more broadly of environmental concerns, such as health and beauty, most citizen complaints in the 1940s and 1950s were very local. These early activists did not oppose

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[28] "Advisory Committee Is Named in City's Anti-Smoke Program," *Birmingham Age-Herald*, October 2, 1948; "For Smoke Abatement," *Birmingham Age-Herald*, October 5, 1948; "The War on Smoke," *Birmingham News*, October 5, 1948; "Less Smoke from Fire Abatement Group's Aim," *Birmingham News*, October 13, 1948; "New Smoke Abatement Group to Be Headed by T. H. Cremer," *Birmingham Age-Herald*, October 13, 1948; "For Clearer Skies," *Birmingham Age-Herald*, October 14, 1948.

businesses in the city. They just wanted them to stop causing nuisances in their neighborhoods. [29]

The white working- and middle-class citizens who complained to the city do not fit easily into the history of environmental activism. Scholars often consider World War II as a turning point in Americans' attitudes toward the environment. While conservationists in the first half of the twentieth century placed a high premium on the efficient use of natural resources, environmentalists in the postwar era placed more importance on maintaining the quality of the environment for enjoyment and to maintain health.[30] Many members of Birmingham's white working class would become more prosperous during the 1950s and move to the less polluted suburbs, thus fitting into the narrative of suburbanites playing the leading role in the shift in environmental thinking. But the citizens who complained about neighborhood polluters in the 1940s and 1950s defy easy classification. Though the term environmental justice would not be coined until later, these working-class complaints can be fairly characterized as calls for environmental justice or equality. Unlike the suburbanites who would lead the 1960s air pollution campaign, whose exposure to air pollution was reduced by distance and geography, working-class protesters had very little buffer between them and pollution

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[29] "Cleaning Plant Termed 'Smoke, Noise Nuisance'," *Birmingham News*, March 30, 1943.

[30] Samuel Hays's work remains the leading interpretation of the postwar environmental movement, though aspects of his argument have been challenged in recent years. According to Hays, an important source of the postwar environmental impulse was increased prosperity and leisure time. Americans increasingly turned to nature for recreation and were often troubled by the degradation of the environment, especially wilderness areas. Adam Rome contends that suburbanization in the decades after World War II played a crucial role in the development of environmentalism. According to Rome, many suburbanites developed an environmental consciousness after witnessing the environmental degradation in their own suburban communities. For a discussion of the shift in environmental thinking in the 1950s and 1960s, see Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (Cambridge: Cambridge University Press, 1989), 2–4; Adam Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism* (Cambridge: Cambridge University Press, 2001), 5–7; and Hal K. Rothman, *The Greening of a Nation?: Environmentalism in the U.S. Since 1945* (Ft. Worth: Harcourt Brace College, 1998), 7–31.

sources. They knew this and often expressed resentment toward city officials for not solving their problems and for affluent citizens who lived in less polluted areas.[31]

During the early 1950s, much of the focus of the city's smoke abatement program involved responding to such citizen complaints. In most cases a smoke inspector or other city official would notify the allegedly offensive business. Aside from well-publicized cases like the Hightower Box Company, which will be discussed, legal action, such as arrests and lawsuits, were rare.[32]

A complaint about odors from a packing plant, though not specifically about smoke, exemplified neighborhood-based environmental activism in the early postwar years. In 1946 residents of the Druid Hills neighborhood north of downtown complained to the Birmingham Health Department about odors from a packing plant in their neighborhood:

> We, the undersinged [sic] residents, most of us home owners, earnestly ask your help in the conditions ariseing [sic] from the offensive and nauseating odors coming from the Alabama Packing Co's plant located at 2031 21st Ave, North. We not only feel that it is detrimental to our health, and the health of our familes [sic], but it is also embarrasing [sic] that a city as large and fine as Birmingham, would permit such a condition to exist. We hope to hear from this petition in the near future.[33]

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[31] Much of the literature on environmental justice covers events from the 1970s and later, when activists began using the term environmental justice to criticize what they perceived to be the disproportionate environmental burden placed on racial and ethnic minorities and the poor. In his study of postwar environmental activism in Gary, Indiana (see note 5 above), Hurley demonstrates how the environmental interests of various groups in the city—African Americans, the white working class, and affluent white suburbanites—sometimes coalesced but sometimes came into conflict. Though African Americans and working class whites in Birmingham confronted many of the same environmental problems during the 1950s, there does not seem to have been significant cooperation between the groups. Hurley, *Environmental Inequalities*.

[32] Nancy Trainor to T. W. Langford, August 22, 1955, file 266.26.19, James W. "Jimmie" Morgan Papers, BPLDAM; J. W. Morgan to Jefferson E. Leroy, August 24, 1955, file 266.26.19, James W. "Jimmie" Morgan Papers, BPLDAM; J. W. Morgan to Wade Bradley, October 26, 1955, file 266.26.19, James W. "Jimmie" Morgan Papers, BPLDAM.

[33] "Petition to Birmingham Health Department," 1946, file 368.7.20, W. Cooper Green Papers, BPLDAM.

The petition is notable for several reasons. First, its focus on a specific pollution source in a neighborhood was typical of citizen complaints during the 1940s. The petitioners did hint at the broader image of Birmingham, noting how embarrassing the plant should be for a big city like Birmingham. But the concern of these residents was local. They lived near the plant and were bothered by the foul odors it produced. Second, though they raised concerns about the impact of the plant on their health, the residents also implied that they were suffering property damage. They noted that most of the people complaining owned their homes. Finally, almost all of the people who signed the petition were women, and most had "Mrs." before their names. Unless these women were all widows, they shared homes with husbands who were also affected by the noise and smoke of the packing plant. It was not unusual for women to outnumber men in complaints about pollution in Birmingham. Surely many of their husbands supported the effort to reduce pollution, but it is possible that some of their husbands worked in the plant and were reluctant to complain. Though their livelihoods also depended on their husbands' paychecks, women who complained about the packing plant were more concerned about their and their families' health and quality of life. In this way, they fit the model of "municipal housekeeping," in which women extended their role as protector of health and safety in their homes to the broader city. A key difference for the women who lived near the packing plant was that municipal housekeeping, the supervision of their community's well-being, overlapped with their actual housekeeping, the care and cleaning of their homes and families. They were not targeting a general pollution problem but a plant whose odors blew into their homes.[34]

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[34] For more on municipal housekeeping, see Chapter 1, note 90. For a discussion of the legacy of early-twentieth-century women's activism on postwar female environmentalists, see Dewey, "'Is This What We

A letter about the issue that a woman who lived near the packing plant sent to Mayor Green the next year exemplified the role that women played in neighborhood pollution disputes. Despite the efforts of the petitioners, the packing plant must have still been emitting unpleasant odors into the neighborhood. Mrs. J. Walter Hardin Jr., a North Birmingham woman who had signed the 1946 petition against the plant, wrote to Green to express her continued dissatisfaction:

> We who owns [sic] homes on the north side feel that we are not given the consideration that other home owners are given.
> As you know there are few rented places in Norwood, Druid Hills, and North Highlands, yet we are forced to smell the terrible odors from the Ala, [sic] Packing Co, night and day. They can be smelled as far as Norwood Hospital.
> A committee has called on them to ask that they use the dry process, but was told they did not salvage as much that way as they did the old moist way.
> A group of ladies from the Methodist Church, [sic] have made two attempts to get something done ["none" handwritten after "something"] about this unhealthy condition, but gave up in despair when we were told it would do no good, as it seems these people who own the plant have some kind of pull.
> You have given us new encouragement, [sic] that we are not the forgotten people.
> I am sending a few of the names we collected last year, Mr. Green we wish that you could come over this way just one time when they are processing, not in just a few blocks but ten or twelve blocks away I am sure you would be convinced that it is pretty bad.[35]

Hardin's letter indicated that despite their absence from smoke abatement committees, women took an active role in neighborhood pollution disputes. Aside from making up the majority of signatures on the 1946 petition, women at the neighborhood Methodist church organized to do something about the pollution. Hardin did not provide specifics of

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Came to Florida For?': Florida Women and the Fight Against Air Pollution in the 1960s."

[35] Mrs. J. Walter Jr. Hardin to W. Cooper Green, June 5, 1947, file 368.7.20, W. Cooper Green Papers, BPLDAM.

the women's "two attempts to get something done," but perhaps the church women directly approached the plant's owner or manager to reduce emissions.

The anti-pollution activity of the women on the north side of town revealed something about issues of class. Though absent from the leadership of the smoke abatement movement in the 1940s and 1950s, women, specifically middle- and upper-middle-class women, had long taken the lead in annual citywide cleanup campaigns that had been going on since at least the 1920s. The focus of these campaigns was on improving the appearance of Birmingham's neighborhoods. Leaders urged citizens to paint their houses, pull weeds from their yard, and keep trash out of streets and alleys. Never mentioned in these clean-up campaigns was the source of much of the "dirt" that soiled the city's appearance, making frequent paint jobs a necessity. The women who led the clean up campaigns never mentioned the smoke from industry and heating furnaces that settled on surfaces all over town. Though neighborhood groups around the city participated in the annual clean ups, including some African American organizations, the leadership was drawn from the city's white upper middle and middle class, many of whom lived in neighborhoods in the southern part of the city that were further away and uphill from many pollution sources. Though air pollution affected everyone in Birmingham, the issue was not quite as immediate for the affluent women who led the clean-up campaigns.

The women who lived near the packing plant on the city's north side were not so isolated from pollution sources, and this motivated them to take more direct action. These were not poor neighborhoods. At least one of them, Norwood, had been designed by the same real estate planner responsible for many of the city's elite neighborhoods on either

side of Red Mountain. Yet by the 1940s, Norwood and the less grand neighborhoods around it were no longer on the rise. Overwhelmingly white, this area included mostly middle-class and working-class residents, many of whom were homeowners. Hardin, who wrote Mayor Green, did not mention specific neighborhoods, but her declaration "we are not given the consideration that other home owners are given" made it clear that she and her northside neighbors felt slighted by the city. In his reply on behalf of Commissioner Green, the county health officer denied that the plant owner "[had] some kind of pull," as Hardin put it. Despite this assurance, many citizens of neighborhoods near pollution sources would have identified as "the forgotten people" that Hardin hoped not to be. As early as the 1930s people who lived in the city limits, especially those living near pollution sources, expressed resentment toward those who lived in cleaner neighborhoods, particularly those in the over-the-mountain suburbs. During the 1940s and 1950s people living in city neighborhoods most affected by pollution were the leading source of direct complaints about pollution. Unlike the affluent, many of them lacked the money to move to cleaner neighborhoods. It was not until the 1960s that a broader environmental movement motivated suburban residents, particularly women, to take direct action.[36]

Complaints about smoke and other pollution sources often came from residents, but businesses also protested to the city from time to time. Dust from an asphalt plant east of downtown was a source of irritation to surrounding businesses and local health officials in the late 1940s. Several businesses located near the Southern Amiesite Asphalt

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[36] As early as the 1910s research in Cincinnati came to what may seem to be an obvious conclusion—that people living near heavy industries were exposed to the highest level of soot. See David Stradling, *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881–1951* (Baltimore: Johns Hopkins University Press, 2002), 23.

Company on 5th Avenue North complained to the city that the plant was emitting excessive amounts of dust.[37] City officials referred the complaints to George A. Denison, who headed the Jefferson County Board of Health. The way that Denison responded to the complaint was typical of the era. Typical also was the way that this approach left grassroots activists dissatisfied. [38]

In his correspondence with the plant management, the county health officer characterized the cement plant "a serious public nuisance because of clouds of dust disseminated to the neighborhood." He based his conclusion on an inspection a state health official had conducted several days before. This was not the first time that the state had investigated the plant. Denison noted that an inspector from the industrial hygiene section of the state health department had visited the plant in July 1946. At that time, according to the state health official, the plant management considered making changes to reduce dust, but delayed them for several months. That delay had been extended, according to Denison, who wrote, "From subsequent reports, I gather that for one reason or another installation of dust removers is still postponed." The power of the county board of health in the matter also seemed limited. Denison asked the plant superintendent to inform the board of health of the plant's dust-control plans. He did not order the plant to limit its dust, though.[39]

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[37] The correspondence from business owners to the city do not survive, but it is possible to piece together the nature of the complaints in several replies sent by Cooper Green and in George Denison's correspondence with the plant's management (see other notes for Denison's letters). See W. Cooper Green to J. Boyette, April 4, 1949; W. Cooper Green to John B. Turner, March 31, 1949; W. Cooper Green to John B. Turner, April 14, 1949; W. Cooper Green to Robert K. Morrow, April 6, 1949; W. Cooper Green to E. H. Gatewood, April 12, 1949, all in file 368.12.35, W. Cooper Green Papers, BPLDAM.

[38] Denison to Williams, May 26, 1949.

[39] Ibid.

One of the asphalt company's executives replied to Denison's letter with a lengthy explanation of the steps the company was taking to reduce its dust output. He stressed that no such plant could be completely dust-free, though the company was doing its best. Denison expressed approval of the plant's efforts. He assured the executive, "We are not interested in doing a 'policing' job but desire to work cooperatively with industry in meeting problems such as your plant presents." Denison encouraged the executive to consult with a Birmingham-based representative of the industrial hygiene division of the state health department. This reflected an attitude that was typical of air pollution efforts in Birmingham in the early postwar era. City officials preferred to educate businesses rather than prosecute them. City officials often recommended that businesses meet with experts who could help devise ways to reduce air pollution from their plants.[40]

Despite Denison's enthusiasm for educating the operators of the asphalt plant, at least one neighboring business was not pleased with the pace of dust abatement at the plant. Nearly three months after Denison's correspondence with the operators of the plant, a representative of a nearby fuel company wrote to the city complaining of inaction:

> For months we have been trying to get some relief from the City of Birmingham regarding the dust condition in this area. This matter was kicked around. A Smoke Abatement officer came out and did everything which lay within his power to do - absolutely nothing. Subsequent calls to your office have obtained the same results.
> How Long – Oh Lord! How Long?
> How long will it be until something is done about it?

The neighbor of the cement plant was correct in his assessment of the power of the smoke inspector. Under the city's 1945 smoke ordinance, inspectors could do "absolutely

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[40] T. F. Hobart to George A. Denison, May 30, 1949, file 368.7.20, W. Cooper Green Papers, BPLDAM; Denison to Hobart, June 1, 1949.

nothing" to get businesses to produce less dust. The ordinance was too limited. It provided for measuring the amount of black smoke emitted into the air, but the chart used to measure black smoke was useless for measuring dust from a cement plant. This case reveals the limitations of the smoke abatement movement. Though it could be effective at reducing black smoke, it had no impact on other types of air pollution, either particulates like cement dust or chemicals invisible to the eye. Eventually a broader conception of air pollution would develop that would target other emissions besides black smoke. In the late 1940s, however, the limitations of smoke abatement left many residents of Birmingham dissatisfied.[41]

In fact, the state of smoke abatement in the late 1940s and 1950s left very few people satisfied, as an examination of the decade-long struggle over smoke from the Hightower Box Company reveals. This case, which involved smoke emitted from a plant in a working-class white neighborhood on the east side of town, is the most well documented example of a conflict between neighborhood residents and businesses and a smoke-emitting plant. The plant was targeted for smoke abatement soon after the passage of the 1945 ordinance, but its emissions continued to be a source of conflict well into the 1950s. The case provides a snapshot of the various constituencies involved in the smoke abatement issue. City officials often used harsh language with the plant's owner, and on at least one occasion took legal action, but their dominant approach was to urge the plant's owner to cooperate. The owner of the plant claimed that residents' complaints were exaggerated and that the high cost of smoke abatement was driving him out of the city. Residents and small-business owners in the neighborhood were relentless in their

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[41] John B. Turner to Cooper Green, August 31, 1949, file 368.12.35, W. Cooper Green Papers, BPLDAM.

campaign against smoke from the plant, pressuring the city and filing lawsuits. The result seemed to be a stalemate that left nobody satisfied.

In September of 1950 real estate professional Elbert S. Jemison wrote Cooper Green, who was then president of the Birmingham City Commission, complaining that he had encountered "a hornet's nest" in a real estate deal. Local business owner Gilbert Carpenter had balked at purchasing land adjacent to his plant because of what he claimed were the excessive actions of the city's smoke abatement program. According to Jemison, Carpenter complained that despite having spent $40,000 to reduce smoke at his business, the city smoke inspectors continued to press him to reduce smoke. Jemison noted that Carpenter had recently bought a plant in northwest Alabama and planned to move some of his equipment there from Birmingham. Jemison urged Green not to drive away industry: "I specialize in selling and leasing industrial properties and in my opinion we are derelict sometimes at the City Hall and elsewhere in not endeavoring to make our industries happy and contented that are in our midst."[42]

The complaint did not sit well with Birmingham's elected leaders, who immediately challenged Jemison's version of events. Replying to Jemison on Green's behalf, Jimmie Morgan, the city commissioner in charge of smoke abatement, pointed out that Carpenter had not made much progress in controlling the smoke from his plant. Morgan argued that the city had been quite lenient with Carpenter, so lenient, in fact, that other businesses pointed out Carpenter's example when the city tried to get them to reduce their emissions. Morgan told Jemison, "Mr. Carpenter is a very high type gentleman, but if Birmingham's smoke laws are in jeopardy by this one strong violator,

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[42] Elbert S. Jemison to Cooper Green, September 26, 1950, file 368.12.35, W. Cooper Green Papers, BPLDAM.

we might as well cancel it from our books and go back to enjoying the reputation of being the dirtiest, filthiest city in the United States."[43]

Still, as was typical of the era, Morgan pursued a cooperative approach in a follow-up letter to Jemison. The city commissioner told the real estate man that he had been planning to invite Carpenter and several other smoke offenders to meet to discuss ways to reduce smoke. Morgan wrote Jemison, "I would be happy if you would sit in on the meeting and anyone else that might be suggested, but the fact still remains that they have made it awfully difficult for us to discuss smoke with other violators, due to the glaring example set by Mr. Carpenter's plant." On the one hand, Morgan was being fairly tough. He was offering to cooperate with smoke violators but without abandoning his assertion that they were breaking the law. On the other hand, he was being fairly lenient. Based on the businesses' repeated violations of the smoke law, he could have had them arrested.[44]

Morgan did convene a meeting with Carpenter and the owners of four other offending businesses that fall. At the meeting the commissioner told the businessmen that their chronic violation of the smoke ordinance made it difficult for the city to get others to abide by the smoke ordinance. Minutes of the meeting are not available, but in a follow-up letter to the meeting Morgan chastised the business owners for not seeking the technical advice of the Southern Research Institute (SRI), as had been discussed at the meeting. Morgan noted that just one firm had consulted with the research institute about finding a solution to its smoke problem. Morgan still possessed a spirit of cooperation,

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[43] J. W. Morgan to Elbert S. Jemison, September 27, 1950, file 368.12.35, W. Cooper Green Papers, BPLDAM.

[44] J. W. Morgan to Elbert S. Jemison, September 29, 1950, file 368.12.35, W. Cooper Green Papers, BPLDAM.

but it was dwindling: "I am asking for the last time for sincere cooperation in the correction of this evil. Unless we get such cooperation immediately, we will be obliged to enforce the laws governing smoke nuisance." The involvement of SRI represented something of a new twist on the city's cooperative approach. SRI, which had been recently formed, was to serve as a technical adviser to businesses that wanted to reduce their smoke. Though SRI was new, in some ways this continued the strategy of trying to find the best technical way to reduce smoke rather than on switching to alternative fuels. At least one more company sought the assistance of SRI. The city granted this firm a reprieve until SRI could develop a way to reduce smoke at the plant. In this sense, the strategy of cooperation continued.[45]

Jemison's complaint on behalf of the local industrialist reflected a conflict between the economic benefits of industry and the costs—in damage to health and property—of local residents. The threat of industry leaving town was not to be taken lightly. Many polluting businesses were located outside the city limits. There was always the possibility that in-town businesses would leave the city. G. M. Carpenter, the vice president of Hightower Box and Tank Company, made that clear in a letter to Cooper Green. The mayor had forwarded residents' complaints about the Hightower plant to Carpenter. In a postscript to his reply to Green, Carpenter added, "We note these people vote, but at the same time you understand that we have some 225 direct employees who live in Birmingham. As you undoubtedly know, because of a condition such as this we, when expanding, put part of our operation in North Alabama and have since moved one

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[45] "City Pledges Clamp on Smoke Violators," *Birmingham News*, October 4, 1950; Morgan to Moore, January 4, 1951; Morgan to Moore, January 19, 1951; James M. Grayson to J. W. Morgan, February 8, 1951, file 266.26.18, James W. "Jimmie" Morgan Papers, BPLDAM; T. W. Langford to James M. Grayson, February 12, 1951, file 266.26.18, James W. "Jimmie" Morgan Papers, BPLDAM.

or two phases of our business there."[46] City officials were placed in a difficult position between voters and employers.

Despite Carpenter's threats to move his operations outside of Birmingham, neighbors of his plant were still complaining three years after Jemison's original letter to Morgan. Carpenter claimed that the complaints about pollution from his plant came from no more than a handful of nearby residents. A spate of suits filed in July 1953 suggested otherwise. Forty nearby residents filed lawsuits against the plant, claiming a total of $200,000 in property damage. A similar suit was also filed against a nearby lumber company. Those who filed the lawsuit against the Hightower plant considered it a "nuisance" that threatened their homes and other property.[47]

Residents near the Hightower plant were not the only ones to complain about its smoke. The plant made the news again in late 1954 when small-business owners complained to the city commission. Golden Body, a barbershop owner, was quoted in the *Post-Herald* as being fed up with the emissions from the Hightower plant: "'We've put up with smoke, soot and lint falling on us for eight and one-half years,' said Body. 'We've swept the dirt and soot from our sidewalks, our cars and our homes. It's endangering the health of our children.'" In response to the complaints that Body and other members of the East Birmingham Civitan Club, a neighborhood business group, made, the city commission announced that it would investigate the situation. The investigation found that the Hightower operation was "emitting substances from fuel combustion through the smokestack and the same is being deposited in excessive

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[46] G. M. Carpenter to W. Cooper Green, February 23, 1952, file 266.26.18, James W. "Jimmie" Morgan Papers, BPLDAM; W. Cooper Green to G. M. Carpenter, February 22, 1952, file 266.26.18, James W. "Jimmie" Morgan Papers, BPLDAM.

[47] "40 Suits Filed in Smoke Row," *Birmingham News*, July 1, 1953; "Smoke Damage Put at $125,000," *Birmingham News*, July 1, 1953.

amounts upon the streets, cars, stores and residences in the vicinity thereof, in such manner as to constitute a public nuisance," according to a letter sent to the company by an assistant city attorney in early 1955. The attorney continued to say that the problems could be corrected without "materially interfering" with the company's business. He suggested that the company clear up the nuisance to avoid litigation.[48] In the early 1950s city officials had encouraged local industries, including the Hightower plant, to work with a local research firm to develop smoke-reduction technology, but clearly the emissions of the Hightower plant were still unacceptable in 1955.[49]

The dispute over the Hightower plant revealed more than a difference in opinion on how much industry should be required to cut its emissions. It also hinted at divisions in class. In his reply to Jemison, Commissioner Morgan had referred to Carpenter as "a very high type gentleman."[50] Indeed, he was, as was Jemison, whose family had developed elite neighborhoods on Red Mountain and in Shades Valley. Like most Birmingham elected officials, Morgan's background was more humble. Born in the white working-class neighborhood West End, Morgan played minor league baseball before opening a radio shop in his neighborhood.[51] Although Jemison and Carpenter, like most of Birmingham's economic elite, depended directly or indirectly on industry for their

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[48] "Group Urges City to War on Smog," *Birmingham News*, December 28, 1954; "City Commission Roundup--Complaints on Northside Plant Will Be Probed," *Birmingham Post-Herald*, December 29, 1954; J. M. Breckenridge to Hightower Box & Tank Company, January 12, 1955, file 266.26.19, James W. "Jimmie" Morgan Papers, BPLDAM.

[49] Morgan to Moore, January 4, 1951; Morgan to Moore, January 19, 1951.

[50] Morgan to Jemison, September 27, 1950.

[51] Christopher MacGregor Scribner, *Renewing Birmingham: Federal Funding and the Promise of Change, 1929–1979* (Athens: University of Georgia Press, 2002), 27; Edward Shannon LaMonte, *Politics and welfare in Birmingham, 1900-1975* (University of Alabama Press, 1995), 75, 78.

livelihood, neither lived anywhere near industrial plants. Carpenter took a dim view of his plant's neighbors who complained, referring to them twice as "these people."[52]

"These people" were not an isolated group in the neighborhood, as Carpenter implied, since more than forty suits were filed in 1953.[53] What these people were not were the elite. Some of them, like the barbershop proprietor who spoke to the city commission, were small-business owners, but most were employees, not employers. Though many of the people who were the public face of the smoke abatement movement during the 1940s and 1950s, such as the Jaycees, were middle-class professionals, most of the complaints about specific polluters came from working-class people living near the offending plants and businesses. The people who complained to the city surely supported the overall goals of the smoke abatement, but the source of their frustration was much more local. Smoke was not something that tarnished the city's image for the working class who lived near the city's industrial plants. Their relationship with smoke was intimate. It blackened their cars, settled on their front porches and window sills, and crept into their lungs, making them and their children cough. In the 1960s suburban residents who lived far from pollution sources would take the lead in grassroots protests, but during the 1940s and 1950s, it was residents of white working-class neighborhoods who made the most noise about smoke because they experienced it most directly.

Compared to affluent whites who lived in cleaner city neighborhoods, such as South Highlands and Forest Park, or in the over-the-mountain suburbs, middle- and working-class whites undoubtedly bore a heavier environmental burden. Yet most African Americans had it even worse. Within the city limits of Birmingham, African

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[52] Carpenter to W. Cooper Green, February 23, 1952.
[53] "40 Suits Filed in Smoke Row"; "Smoke Damage Put at $125,000."

Americans were more likely than whites to live near industrial sites. Even within neighborhoods adjacent to heavy industry, such as Ensley and Pratt City, African Americans tended to live closer to pollution sources than whites. African Americans were also less likely to have paved streets and more likely to live in areas that were prone to flooding.[54]

Despite the poor environmental conditions in African American neighborhoods, all the records of complaints from citizens living near pollution sources during the 1940s and 1950s involved majority-white neighborhoods. African Americans were surely just as frustrated as working-class whites with the smoke and smells in their neighborhoods. Given the paucity of records about smoke abatement in Birmingham, it could be that records related to African American complaints were lost. It seems more likely that African Americans were reluctant to complain to the city about environmental concerns. When pursuing another neighborhood issue, one African American group waited four months for an appointment with city commissioner Eugene "Bull" Connor only to have him turn his back to them during the meeting.[55] Though other city commissioners may have been less openly hostile to African Americans, the climate at city hall was anything but welcoming to African Americans. It is also plausible that African Americans did not view pollution as their top priority, given the intensification of civil rights activities in the decades after World War II. Far more concerned with achieving civil rights, local African

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[54] Charles E. Connerly, *"The Most Segregated City in America": City Planning and Civil Rights in Birmingham, 1920-1980* (University of Virginia Press, 2005), 30, 52–53; Dolores Greenberg, "Reconstructing Race and Protest: Environmental Justice in New York City," *Environmental History* 5 (April 2000): 223–50; Robert D. Bullard, "Environmental Justice for All," in *Unequal Protection: Environmental Justice and Communities of Color* (San Francisco: Sierra Club Books, 1994); Andrew Hurley, "Fiasco at Wagner Electric: Environmental Justice and Urban Geography in St. Louis," *Environmental History* 4 (October 1997): 460–81; Hurley, *Environmental Inequalities*; and Michael Egan, "Subaltern Environmentalism in the United States: A Historiographic Review," *Environment and History* 8 (2002): 21–41.

[55] Connerly, *The Most Segregated City in America*, 219–20.

American newspapers did not cover the air pollution issue in Birmingham. It was not until after the civil rights demonstrations of the 1960s that African Americans began to play a role in the public debate over air pollution. Some students at historically black Miles College in the industrial suburb of Fairfield participated in the push for a stronger state air pollution law in the late 1960s and early 1970s. In the early 1970s African American residents began organizing against dangerous emissions from a chemical plant in their neighborhood. Unlike in the 1950s, in the early 1970s African Americans in Birmingham could take their complaints to officials at the federal Environmental Protection Agency.[56]

Though city officials took residents' complaints seriously, stark economic realities complicated the city's stance on smoke emissions. In his letter to Tacoma city officials in 1950, Mayor Cooper Green had included a summary of smoke abatement in Birmingham that emphasized the continuing influence of coal in the city's war on smoke. Birmingham's location in a major soft coal center meant that the city could not afford to outlaw soft coal, as some cities had done:

> It is the opinion of a vast number of our people in all walks of life, including business men, engineers, bankers, and others, that it would be economically unsound for the city to pass drastic laws requiring fuel to be brought in from coal districts many miles away from Birmingham, thus adding two or three dollars a ton to the cost of the fuel for nothing other than to get away from smoke. We know through experience that our own coal can be successfully burned by the installation and proper operation of equipment which is suitable and adaptable to this fuel. Elimination of smoke in the City of Birmingham is not something that we can realize

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[56] African Americans in Birmingham did succeed in getting federal backing for an environmental concern during the Jim Crow era. When planning a federally funded public housing project for African Americans in the 1930s, Birmingham housing officials rejected plans for gas ranges and central heating in favor of coal stoves and heaters, which would have produced more smoke inside and outside of the apartments. The local branch of the NAACP protested these changes, and the city housing authority gave in to federal pressure. Scribner, *Renewing Birmingham*, 22–23.

> overnight, neither can we realize it by any extreme laws or ordinances which may be adopted by the City authorities.[57]

Indeed, coal continued to be a central player in the smoke abatement drama. Nearly all supporters of smoke abatement took pains to emphasize that the anti-smoke campaign was not anti-coal. In February 1946 a smoke conference was held in the city. The conference was not organized to call for more legal action. Instead, the conference seemed to be about assessing the state of smoke abatement in the city and deciding on what residents could do to reduce smoke. The consensus at the meeting was that the St. Louis plan, which banned soft coal, would not work in Birmingham because of the local economy's dependence on the coal industry. The fact that this discussion was happening at all may seem odd at first. The newly passed smoke ordinance had been designed to minimize the impact on the Alabama coal industry. What may help explain the emphasis on protecting coal at the meeting was the involvement of several prominent representatives of the coal industry. Alvin W. Vogtle, the vice president of DeBardeleben Coal Corporation, gave the welcome address. Also involved was I. W. Rouzer, president of the Alabama Mining Institute, the coal operators' association. The meeting was convened by the city and the Jaycees, but the coal industry clearly tried to have its say in how smoke abatement was implemented in the city. Perhaps not surprisingly, a major focus of the meeting was on encouraging residential users to learn how to burn coal properly. As a part of this effort, a brochure on proper firing, developed by the coal industry and published by the University of Alabama Press, was to be provided to coal

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[57] Letter from W. Cooper Green, September 1950.

dealers to distribute to their customers. It was almost as if the 1945 smoke ordinance had never been passed.[58]

The influence of the Alabama coal industry helps to explain why the reduction of smoke in Birmingham took a little longer than in other smoky cities, such as St. Louis and Pittsburgh. In most cities with smoke problems the smoke abatement movement was characterized by a move away from emphasizing clean-burning technology to concentrating on switching to cleaner-burning fuels. For example, the skies over St. Louis became clearer when a smoke ordinance mandated a switch to a cleaner-burning variety of coal. In Pittsburgh, the air became noticeably clearer only after natural gas began flowing into the city in considerable quantities. As natural gas replaced coal for heating, smoke declined. The prominence of the coal industry in Birmingham, however, complicated any movement away from coal toward natural gas. Simply put, those who had a vested interest in the coal industry, including coal operators, miners, and iron and steel companies that produced gas as a byproduct of coke, aimed to limit the penetration of natural gas into Jones Valley.[59]

In the end the coal industry and its supporters were not able to delay for very long the transition to natural gas for home heating. Birmingham eventually made the switch, though a few years later than Pittsburgh and St. Louis. Whether or not citizens of

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[58] "Fuel Experts to Explain Smoke Control Devices," *Birmingham News*, February 15, 1946; "New Smoke Abatement Conference Scheduled," *Birmingham News*, February 24, 1946; "Smoke Control Meeting Is Set: Citizens Invited to Attend Conference in Council Chamber Tomorrow," *Birmingham Post*, February 26, 1946; Robert W. Kincey, "City's War on Smoke Is Gaining Momentum," *Birmingham News*, February 27, 1946; "Charts Offered to Abate Smoke," *Birmingham Age-Herald*, February 28, 1946; "Smog Parley Is Under Way at City Hall: Bynum Acting Chairman in Absence of Morgan; Langford Speaks," *Birmingham Post*, February 27, 1946.

[59] For a discussion of the three phases of the smoke abatement movement, the history of the St. Louis campaign, and Pittsburgh's switch to natural gas, see Stradling, *Smokestacks and Progressives*, 5, 163–67; and Joel A. Tarr, *Devastation and Renewal: An Environmental History of Pittsburgh and Its Region* (University of Pittsburgh Press, 2005), 145–73.

Birmingham and the surrounding area wanted to support the local coal industry, the appeal of gas heating was difficult to resist. Even if households switched to coke, the cleaner-burning form of coal, or installed equipment that burned regular coal with less smoke, natural gas heating eliminating the hassle of dealing with coal at all. Given the advantages of gas heating, it would seem that coal did not have a chance of competing.[60]

But Birmingham's leaders, even those who strongly advocated smoke abatement, continued to make the case that coal was too important to Birmingham's economy even after Pittsburgh and other cities had switched to natural gas. The summary of the smoke abatement program that Green enclosed in his 1950 reply to Tacoma officials began with a strong statement on the importance of the Alabama coal industry:

> In carrying on the smoke program in the City of Birmingham there is one very important thing the city officials, especially the Smoke Abatement Department, has to keep in mind and that is the fact our city is situated in the center of an immense coal deposit. We are bound to realize and take into consideration the bearing it has on the economic life here, as all of the coal produced in this area is what is commonly known as high volatile bituminous coal and has a tendency in all cases to produce an enormous amount of smoke if it is not being used in connection with proper equipment. The Smoke Abatement Department is combating this smoke evil by advising those installing new equipment of the proper care and operation of this equipment, as well as giving to the people ideas gained by experience on old and out-dated equipment.[61]

The summary went on to state that the only type of "smokeless fuel" available in Birmingham was coke, the purified form of coal that burned much cleaner than ordinary bituminous coal. According to the summary, there was not enough coke to meet the needs

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[60] During the 1940s and 1950s coal's importance as an energy source declined nationwide as natural gas became more widely available for home heating and railroads increasingly switched to diesel fuel. Coal continues to contribute to air pollution in Alabama and other states, but the pollution stems from coal-burning electricity plants, not home furnaces and railroads. See Joel A. Tarr, *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective* (Akron: University of Akron Press, 1996), 17–18; "Report Says Birmingham Has Most Soot-Filled Air in the South," *Birmingham News*, October 21, 2009.

[61] W. Cooper Green, September 1950.

of area residents. The result was that soft coal was burned in "thousands of common heaters" of a design that did little to reduce smoke and over inefficient and dirty open grates. If coke were truly out of the question for much of the area, there was still another option. Though the summary claimed that coke was the only "smokeless fuel" available in the area, that was not the case. Natural gas had begun entering the Birmingham market, beginning first in suburban areas. The clearest way to reduce smoke produced by residential heating was to accelerate the switch to natural gas. The smoke abatement summary made no mention of gas. Instead, it stated that the best hope for reducing smoke from home heating was the development of new stoves that could burn soft coal without smoke. Coal was the "third rail" of smoke abatement politics in the 1940s and early 1950s. Though the coal industry was on the decline and most of the mines were located outside of the city limits, the impact of the industry on the area's economy was substantial.

The issue of competition for Alabama coal came to the forefront in early 1947 when a local gas company sought permission to bring natural gas into the city by the 1947–1948 winter. Several white-collar suburban areas in Shades Valley recently had begun switching from byproduct gas to natural gas. Industries that produced byproduct gas, including such prominent firms as Alabama By-Products Corporation, Sloss-Sheffield, Woodward Iron Company, and Republic Steel, pressed the city commission to place limits on the introduction of natural gas to Jones Valley.[62]

The stated aim of the various coal interests was not necessarily to block the introduction of natural gas but to limit it. They wanted Birmingham Gas Company, which

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[62] "Natural Gas May Be Used to Boost City Lines During Winters," *Birmingham News*, January 3, 1947.

held the city gas franchise, to promise that it would introduce only enough natural gas to meet demand that could not be met by existing byproduct gases. They wanted assurance that the gas company was seeking to supplement, not replace, the existing gas supply in Jones Valley. The company had given verbal assurance that its aim was not to compete with byproduct gas, but the coal interests wanted a written agreement. One hitch in their campaign was that the city seemed to lack legal authority to place such limits on the Birmingham Gas Company. Several lawyers agreed that the original charter granted to the company in the 1890s gave it the right to provide "gas" to the city. The charter did not specify which type of gas, natural or byproduct.[63]

The move to limit natural gas in Jones Valley was not simply a matter of corporate interests trying to protect their monopoly on the city's fuel supply. Organized labor was also reluctant to allow natural gas into the valley. In a letter to Cooper Green that was quoted in the *Age-Herald*, William Mitch, the head of the local United Mine Workers of America, urged action to "protect the mining industry to the extent that work will be furnished, at proper wages, to men who work in the coal mines." Mitch charged that

> the advent of laborless fuel [natural gas] would not bring to the merchants and business men that steady income that now comes from the men who work for wages in this district. It undoubtedly would work to the detriment of Birmingham and the surrounding district and no doubt reduce the population of our city, as well as reduce labor standards generally.

On this issue the interests of miners and coal operators aligned. Both feared that unlimited natural gas would threaten their livelihoods. In the end the city commission, whether or not it held authority to do so, approved a resolution supporting the

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[63] "City Dads Caught on Gas Argument Dilemma Horns: Natural or Artificial Fuel Question Rises in Face of Shortage," *Birmingham News*, February 2, 1947.

introduction of natural gas into Jones Valley with the understanding that such gas would be used to supplement, not replace, byproduct gas.[64]

Notably, the issue of air pollution did not come up at all in the public discussions of natural gas. This was true despite the fact that the skies in Birmingham were anything but clear. Less than two weeks after the city commission approved the resolution in support of limited natural gas in the city, the *News* ran a photo captioned, "Smoggy Birmingham." The photo showed a street scene so smoggy that a car had its headlights on at 9:45 in the morning.[65]

In the end the coal industry did not have much impact on the introduction of natural gas heating into the Birmingham area. By the early 1950s natural gas was widely available in the area. What is without doubt is that the coal industry had a disproportionate influence on the debate about fuel switching to reduce smoke. The industry was largely successful in limiting the impact of the 1945 smoke ordinance on the use of Alabama soft coal, not to mention its effectiveness in reducing smoke. Though coal proponents did not succeed in blocking natural gas from the city, its pressure did help limit the debate on the smoke benefits of switching fuel.

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[64] "Accord Reached on Natural Gas for Birmingham: Differences on Volume to Be Brought In Are Settled," *Birmingham Age-Herald*, February 4, 1947. According to Gunther Peck, "[t]here remains little 'nature' in labor history and few working-class subjects in environmental history." See Gunther Peck, "The Nature of Labor: Fault Lines and Common Ground in Environmental and Labor History," *Environmental History* 11 (April 2006): 212–38, 213. Scholars disagree on the relationship between organized labor and environmentalism. For example, Scott Dewey contends that organized labor was often involved in environmental activism before the economic downtown of the early 1970s led to diminished interest in environmentalism. In contrast, Chad Montrie argues that, at least in the case of the United Mine Workers, the leading concern was job security, not environmentalism. See Scott Hamilton Dewey, "Working for the Environment: Organized Labor and the Origins of Environmentalism in the United States, 1948–1970," *Environmental History* 3 (January 1998): 45–63 and Chad Montrie, "Expedient Environmentalism: Opposition to Coal Surface Mining in Appalachia and the United Mine Workers of America, 1945–1975," *Environmental History* 5 (January 2000): 75–98.

[65] "Smoggy Birmingham," *Birmingham News*, February 14, 1947.

It is careful to note that the coal industry, despite its enormous influence, did not completely squelch debate. From time to time acrimony would break out between city officials and the coal industry. In late 1947 Langford, the smoke inspector, apparently had chastised the coal industry for its lack of cooperation with smoke abatement. A few days later he modified his charge somewhat: "I am not backing down one bit on what I said...but I think it only fair to point out that much of our worst coal insofar as incombustible content is concerned comes from wagon mines, not generally associated with the Alabama Mining Institute and can hardly by classed as part of the industry' [sic] as I used the term."[66] One has to wonder what sort of conversations took place between the Alabama Mining Institute and the smoke inspector in the time between his original statement and his clarification.

About a month after Langford's comments about the coal industry, a local health official was more direct in his comments about the relationship between coal and the city's smoke problem. In a column that was part of a series on the smoke problem in Birmingham, Dr. George Denison, the city and county health officer, broke what had been a taboo in the local smoke abatement movement. In the column he raised the possibility that the only way to achieve smoke abatement in Birmingham was to cut back on soft coal. Denison called the 1945 ordinance "conservative" and "inadequate." What was truly needed was a switch in fuels: "If we want to face facts, and we might just as well stop kidding ourselves, we cannot have really effective smoke control without seriously affecting the economics of the soft coal industry. I am not advocating anything.

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[66] Wagon mines are coal mines near the surface in which coal is removed via wagons instead of the railroad cars used to remove coal from deeper mines. A. Dudley Gardner and Verla R. Flores, *Forgotten Frontier: A History of Wyoming Coal Mining* (Boulder, CO: Westview Press, 1989), 63–64; "City Buildings and Schools Make Smoke, Says Inspector," *Birmingham Post*, December 3, 1947.

I am just stating facts that the public should know." Denison continued, "There is a gradual shift from the use of coal to by-products gas and natural gas, and in time we may reach a point where it will be practical to adopt a smoke control ordinance similar to the one in effect in St. Louis."[67]

Looking back, Denison's comments seem logical, especially since he was examining the smoke problem from the perspective of a public health expert. Other cities, such as Pittsburgh and St. Louis, were reducing their smoke problems by switching fuels. But Denison's suggestion that the days of soft coal were numbered was something close to blasphemy in a city where coal was such an important part of the economy. It is perhaps not surprising that the *Post* placed a note before the article indicating that the column was Denison's reply to the *Post*'s request for his comments on Birmingham's smoke problem. The paper's editors made it clear that Denison was expressing his opinion, not the paper's.

Even though the 1945 smoke ordinance did not eliminate Birmingham's smoke problem, the several years after its passage represented a turning point of sorts for the city. Some boosters of smoke abatement, such as Denison, stated directly that switching from coal was crucial for clearing Birmingham's skies. Others were less direct in their criticism of the city's dependence on coal, but there was growing recognition that clearing the air would be much more complicated than simply convincing residents and businesses to properly burn their coal. More and more, people in Birmingham began to realize that what Birmingham had was not simply a smoke problem but an air pollution problem. The problem of air pollution was more complex than a smoke problem that

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[67] George A. Denison, "TB Gets Boost From City Smog," *Birmingham Post*, January 14, 1948.

could be blamed on the improper burning of coal. There was also growing recognition that much of the air pollution problem in Birmingham had its start in industrial plants located outside the city limits, which were not subject to the city's smoke ordinance.[68]

Some of the first signs of a turning point occurred when supporters of the smoke ordinance began to realize that it was inadequate. This was clear as early as the fall of 1947, just two years after the law's passage. Most officials and smoke abatement boosters agreed that the law had reduced smoke, perhaps by as much as 50 percent. Yet Commissioner Morgan, Inspector Langford, and the Jaycees complained that many businesses were not cooperating. Langford declared that the time for leniency in enforcing the smoke ordinance had passed. With wartime shortages over, Langford charged that there was no excuse for not installing smoke-reducing equipment. The Jaycees also took a harder line on smoke abatement. Lawyers in the group argued that several loopholes, which newspaper accounts did not describe, needed to be closed. The group announced several actions that were typical of the smoke abatement movement. The group called for a smoke abatement week and an observation tower for detecting smoke offenders. The Jaycees also planned to have discussions with coal dealers to encourage them to help the public learn about proper coal burning. In addition, the group planned to approach plant managers who had resisted abiding by the smoke ordinance. These actions were fairly typical of the smoke abatement movement, but the Jaycees also announced another step that was a first. The group said it would ask Jefferson County representatives in the state legislature to consider passing legislation that would implement smoke abatement throughout the county, not just in the city limits. Smoke

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[68] Industry executives determined to keep their operations outside of the city limits of Birmingham to avoid higher taxes clashed with many members of the city's commercial elite who tried to expand Birmingham through annexation. Scribner, *Renewing Birmingham*, 99.

abatement supporters had long known that much of the air pollution in Birmingham came from sources outside of the city limits. In the past, however, the smoke abatement movement had focused on the city level. This represented the first public push for a broader, regional plan for controlling smoke in the Birmingham area.[69] The short-term impact of this call for broader action was minimal, however, as the state legislature did not pass any such legislation. During the 1950s the county did begin an air pollution program, but the focus was on the study of the problem, not enforcement of air pollution regulations. In contrast, Allegheny County, which included Pittsburgh, had adopted a smoke ordinance in 1949. Though relatively weak, it did help deal with pollution sources outside of the city limits, something that was out of reach for residents of Birmingham and Jefferson County.[70]

Much of the news coverage of air pollution in Birmingham belied any shift in attitude toward the problem. It was like a broken record. Each fall as the weather cooled, the city experienced its first episode of heavy air pollution. Editorials would bemoan the lack of progress. The smoke inspector would call for more cooperation especially from homeowners who continued to burn coal improperly.

A September 1948 article in the *News* reflected a somewhat different angle on air pollution. Usually Langford, the city's smoke inspector, placed a large proportion of the blame for the city's air pollution on residential users who continued to burn soft coal

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[69] "Business, Industry: Smoke Abatement Seems Languishing, But Not Quite Dead," *Birmingham News*, October 19, 1947; "Jaycees Ready to Clear Skies of Winter Smoke: Plan Legislation to End Menace," *Birmingham Post*, October 24, 1947; "Jaycees Study Smoke Abatement Ordinance to Cut Out Loopholes: Regulations Inadequate in Present Conditions, Committee Determines," *Birmingham News*, October 19, 1947; "Smoke Gets In Your Eyes Fine for Song but Folk Tired of It In Reality: Whistle about to Blow and End Time Out for Offenders; Morgan, Langford and Jaycees Committee Announce Time for Action Is Here," *Birmingham News*, November 2, 1947; "Soot Spouting Chimneys to Be Under Daily Check by Junior Chamber: Atop Comer Building Smoke Sleuths to Spot Persistent Violators," *Birmingham News*, October 21, 1947.

[70] Tarr, "Metabolism of the Industrial City," 529.

improperly. Throughout the 1940s the smoke inspector and other city officials contended that residential users produced more smoke than the area's industry. Speaking to the Jaycees in late 1947, Langford estimated that homes produced 55 to 60 percent of smoke in Birmingham. In contrast, industry contributed no more than 25 percent, according to Langford.[71] It is difficult to evaluate the accuracy of Langford's estimates due to the lack of sophisticated measurements. What is clear is that his assertion that homes were responsible for most of Birmingham's smoke was one that he and other officials often made during the 1940s. Industry was rarely blamed. In this article, however, he estimated that soft coal was to blame for just 25 percent of the air pollution in Birmingham. Most of the rest of the air pollution was caused by "solids thrown into the air by processing plants, many of which are located outside Birmingham." A prime example of such non-coal pollution was a Republic Steel Company plant, according to Langford. He said this plant, situated outside the city limits in a gap in Red Mountain, was spewing ore dust into the air. "Most of our trouble comes from just outside our city limits where we can't touch them," Langford declared.[72] This was not the first time that Langford or others had blamed industries outside of the city limits for contributing to air pollution in Birmingham. The charge that most of the city's air pollution problems could be traced to sources outside its jurisdiction did seem to be new. The next year, when Birmingham hosted a meeting of the Smoke Prevention Association of America, Langford reiterated

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[71] "Homes Held Cause of Most of Smog," *Birmingham Age-Herald*, December 31, 1947; "Homes Are Cited as Chief Cause of Smog," *Birmingham Post*, December 31, 1947; "Home Is Where Smog Starts, Says Langford," *Birmingham News*, December 31, 1947.

[72] "Birmingham Has Stacks and Stacks--And Lots of Them Still Belch Smoke," *Birmingham News*, September 1, 1948.

his estimate that smoke contributed just 25 percent of air pollution in Birmingham. The rest he blamed on "chemicals, fumes, solids and gases."[73]

U.S. Steel and other industrial plants located outside the city limits seemed off limits in discussions about smoke abatement. For decades, proponents of smoke abatement rarely if ever mentioned U.S. Steel's works located outside of the city limits. In one editorial on smoke abatement that ran in the *Age-Herald* in 1949, the editors did not mention U.S. Steel by name. The editorial did note that the problem was not large industries, which realized that smoke was wasteful so they took steps to control it. The problem, according to the editorial, was small industries, downtown businesses, and homes. This attitude was quite typical for the 1940s and 1950s. Big industry was believed to be doing its part.[74]

Getting a good idea of the impact of smoke abatement in Birmingham is difficult because of the lack of accurate measurements of air pollution during the late 1940s and early 1950s. In the early 1950s the city's smoke inspector felt that Birmingham was making good progress, dissolving nylons be damned. In March 1950 Langford reported to Morgan on the city's progress in smoke abatement. The letter provided specific details about the number of various types of businesses—laundries, railroads, cleaners, etc.—that had switched to cleaner burning fuels or had installed cleaner-burning coal equipment. There was no mention of industries outside of the city limits. This was not surprising given that Langford was reporting on his department's activities, which were confined to the city limits. All in all, Langford expressed satisfaction with the progress:

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[73] "For Clearer Skies," *Birmingham News*, May 24, 1949; "Smoke Abatement 'Grown Up'," *Birmingham Age-Herald*, May 24, 1949; "They Fight Smoke Nuisance," *Birmingham News*, May 23, 1949; "Smoke, Smog Fighters Will Convene Here Next Week to Hold an Airing," *Birmingham Age-Herald*, May 22, 1949.

[74] "Time to Think of Smoke," *Birmingham Age-Herald*, September 21, 1949.

"With the thousands of obstacles that had to be overcome, and keeping in mind the thousands and thousands of old dilapidated and poorly installed heating plants, it is our judgment that satisfactory progress has been made without having to resort to bringing in a great string of violators before the courts, as this would not have solved the problem." As was typical of the early postwar era, the smoke inspector focused on encouragement and education rather than on prosecution.[75]

Langford achieved what he considered success through a low-tech approach. For years there had been talk about building a lookout tower on top of a downtown building from which smoke inspectors could notice offending smokestacks. The lookout was never built, but in 1950 the smoke inspector moved into an office at the top of the new city hall. The *Post-Herald* reported, "With a good look-out spot, a long telescope and a map of the city, anti-smoke workers can locate smoke offenders in almost nothing flat." Langford said that he telephoned companies when he saw too much smoke.[76] Of course, this method only detected smoke that was visible, not other forms of pollution, such as the substances that destroyed nylons and damaged paint.

The smoke inspector was similarly satisfied with his department's work in 1951. That summer Langford reported "[t]his has been one of the best years in the history of this Department in the elimination and reduction of smoke. The Smoke Department is not claiming credit for all the progress made, directly, but was indirectly in a measure responsible for the many improvements." Langford noted several promising developments, including the installation of smoke-reducing equipment at several major industrial firms (unnamed) as well as the fact that the railroads were in the process of

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[75] T. W. Langford to J. W. Morgan, March 16, 1950, file 368.12.35, W. Cooper Green Papers, BPLDAM.
[76] Billy Mobley, "City Has Eagle Eye on Smoke," *Birmingham Post-Herald*, December 14, 1950.

switching from coal to diesel. He also noted that dozens of smaller businesses in the city, such as hotels, laundries, and bakeries, had recently switched from coal to gas, oil, or city steam. While the focus of the smoke abatement campaign had been on improving the burning of coal, it was clear that a switch from coal to less smoky fuels was also taking place in Birmingham. In May of the next year Langford told the *News* that the smoke problem in Birmingham was just about beat. He blamed about 3,000 residences in the downtown core for continuing to burn soft coal. Langford said that the city had been lenient with these offenders but would soon begin to make these residents abide by the law by burning less smoky fuel or switching to cleaner-burning equipment.[77]

Not everyone was as satisfied as Langford was with the city's smoke abatement efforts during the 1950s. In late 1953 a student at Ensley High School, located on the city's west side near some of the area's largest iron and steel works, sent a complaint to Jimmie Morgan, who was by then chairman of the city commission and, thus, mayor. Signing her letter "A future voter," Jeanette Coley wrote Morgan that her civic class had been discussing

> the smoke and smog from the various plants. Not only does this nuisance harm our homes and automobiles but worst of all it harms the health of the population of the whole city. My entire class, all of which will in several years be voters of this city, believes that something ought to be done to rid our city of this smog. I know that it will cost the plants extra money, but if something is not done immediately, it may cost the lives of many residents. I shall appreciate it very much if you will have something done about this problem.

The student's letter had some things in common with the grassroots efforts of neighborhood groups who targeted specific pollution sources, but it also foreshadowed

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[77] T. W. Langford to J. W. Morgan, July 24, 1951, file 266.26.18, James W. "Jimmie" Morgan Papers, BPLDAM; "City Hall Roundup--Smoke Nuisance, Air Pollution Problems About Whipped in City," *Birmingham News*, May 16, 1952.

the broader environmental consciousness that would develop in Birmingham in the 1960s. Like the neighbors who banded together to complain to the city and file suits about plants whose emissions directly affected their homes and businesses, the letter writer confronted heavy smoke on a daily basis in her neighborhood, which was one of the most polluted in the city. But Jeannette Coley's concerns were somewhat broader than most of the neighborhood efforts of the 1940s and 1950s. Surely she did not appreciate the pollution that blanketed her neighborhood or accumulated on her family's home, but she expressed concern about "the health of the population of the whole city." Though living and going to school near heavy industry certainly motivated her letter, the concern she expressed about the health impact of air pollution would become a leading motivator for the anti-air pollution campaign that would develop in the 1960s in Birmingham.[78]

A reply to Jeanette Coley's letter does not survive, but a letter that Langford, the smoke inspector, sent to another Ensley High School student who had written the mayor on the same day included a concise assessment of the state of smoke abatement in Birmingham during the early 1950s. Langford wrote that since becoming smoke inspector in 1940 he had tried

> to work out our smoke problems with industry, railroads, home owners and all others. First, we must realize that Birmingham is a very heavily

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[78] Jeanette Coley to J. W. Morgan, December 16, 1953, file 266.26.19, James W. "Jimmie" Morgan Papers, BPLDAM. Coley's letter complicates the various interpretations of the rise of the postwar environmental movement. Her language was similar to that of environmentalists of the 1960s, but her motives do not fit into the models put forth by Hays or Rome. Living in a working-class neighborhood near one of the area's largest polluters, Coley was not expressing concern about preserving wilderness or places for outdoor recreation. Nor was she motivated to complain because of environmental degradation she witnessed in newly developed suburbs. The source of her complaints, the nearby U.S. Steel plant, was the pollution that she experienced on a daily basis in her own neighborhood. She was complaining about a local pollution source in much the same way that other residents of Birmingham's industrial neighborhoods had for years. What was different was that her concern was somewhat broader, the health of the entire city. She sounded very much like the suburban residents who pushed for a state air pollution law in the late 1960s.

> industrialized district. Therefore, there is some smoke produced, all of which engineering science does not know at this date the remedy other than to completely close down offending plants; and of course we, nor do we believe you would want this to happen, so I want simply to give you some of the high lights of what has been accomplished in the last few years.

The smoke inspector went on to summarize the various smoke abatement activities his department had led since 1940. He claimed that the city's air quality had improved noticeably:

> From the early 1920's until 1946 and '47 it was not unusual to have many days and nights in the winter in which we would have heavy atmospheric conditions that it would be almost impossible to drive safely during the hours the city was covered with a smog. But the winter of 1952 and '53 there has not been one single day where the conditions were as bad as the past years....We are now beginning to enjoy a much cleaner and certainly much healthier city and work is now in progress that will make our city still cleaner.[79]

One can only speculate on whether or not the smoke inspector's reply satisfied the students of that Ensley civic class. What Langford said may have been true. Days when the smoke was so thick that it was "almost impossible to drive safely" may have been greatly reduced or eliminated. But for a student living in Ensley, within sight and smell of some of the area's largest industrial operations, the fact that the smoke was not so bad to keep cars off the road was probably not very satisfying. The exchange of letters between Langford and the Ensley High School student in some ways epitomized the end of the smoke abatement movement and the beginning of the air pollution control movement. There was little doubt that Langford had led the city in a reduction in smoke, particularly as many home and business users made the transition to cleaner burning furnaces or fuels. Yet this success did not mean that skies in Birmingham were clear. Heavy industry continued to produce significant air pollution of the type that Langford claimed

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[79] T. W. Langford to Carmella Ranelli, December 29, 1953, file 266.26.19, James W. "Jimmie" Morgan Papers, BPLDAM.

engineering had not created a solution. The students who wrote the mayor were concerned about this pollution, particularly with its impact on their health. During the 1960s it was concerns like this one that would propel the air pollution control movement that took a more scientific approach than the smoke abatement movement and that looked for solutions that were not confined to the city limits.[80]

The smoke inspector was not unaware of the need for a broader approach, though his public comments were sometimes contradictory. In May 1954 Langford told the Young Men's Business Club that "shacks" that burned coal in primitive stoves and over open grates were to blame for most of the city's air pollution. Because the city was a center of the soft-coal industry, it was not feasible to ban soft coal, he said. But Langford also said that much of the air pollution in Birmingham came from outside its city limits. The lack of a countywide air pollution program limited the effectiveness of Birmingham's own program. The newspaper report of Langford's comments did not mention industry at all. It seems unlikely that Langford was referring only to residential sources of pollution outside of the city limits when he bemoaned the lack of a countywide program.[81]

Birmingham leaders surely wanted clear skies for their own sake, but they also were keenly aware of the damage that smoke did to Birmingham's national reputation. During the war, editors of the *News* had been horrified when the San Francisco *Chronicle* reported on a soldier's observations on Birmingham:

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[80] Pittsburgh experienced an even greater reduction in days of heavy smoke during the 1950s, thanks mostly to the switch to natural gas heating in the late 1940s. Though largely successful, the campaign against black smoke in Pittsburgh did not solve the broader air pollution problem, which included harmful emissions that did not produce black smoke. See Tarr, *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective*, 17; Tarr, *Devastation and Renewal*, 145, 172–73.

[81] "Home Use Gets Big Blame--Dark Picture of City's Smoke Control Efforts Poured Out," *Birmingham News*, May 16, 1954.

> "Way, 'way down South: Where the sun shines every day—except mos' definitely, in coalossal [sic], smokey-dokey Birmingham, Ala., by all odds the dirtiest city in America. Compared to B'ham as the natives lovingly call it, Pittsburgh is as cool, clean and refreshing as a whiff of San Fran. fog."[82]

After the war, the apparent success of smoke abatement in Pittsburgh and St. Louis loomed large in the minds of smoke activists in Birmingham. Always mindful of the city's image, civic leaders feared that Birmingham would take on Pittsburgh's title of the "Smoky City" if they did not do enough to control smoke in Birmingham. "Birmingham's more moderate effort threatens to push it by default into the position of being the worst city in the country for smoke and soot," warned a *News* editorial in 1948.[83] By present standards, even by 1960, Pittsburgh's air was still pretty dirty. The combination of postwar city and county smoke ordinances and a widespread switch from coal to natural gas did succeed in reducing visible smoke. But many other industrial emissions, including various gases and odors, were not covered by the ordinances. To someone in Birmingham, Pittsburgh's skies would have looked clearer in the 1950s, but there was still considerable air pollution in the Pennsylvania city.[84]

Though Birmingham residents often looked to Pittsburgh as an example of a city that had cleared up its air, they more often compared themselves to nearby Atlanta. In the struggle for the economic future of Birmingham, the "modernizers" in Birmingham—business leaders and medical officials who sought a more diversified economic base—looked to Atlanta as an example. In reality, although the Birmingham economy would change dramatically in the 1960s and 1970s, Atlanta had been leaving Birmingham

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[82] "'Dirty Birmingham'," *Birmingham News*, January 1, 1944. Quotation from San Francisco *Chronicle* taken from *News*.
[83] "What Smoky City?," *Birmingham News*, June 6, 1948.
[84] Tarr, "Metabolism of the Industrial City," 529–30.

behind since the 1930s, when the Atlanta metropolitan area began growing at a much more rapid pace than Birmingham. By the 1950s Atlanta and its suburbs were wealthier and less tied to heavy industry than was the Birmingham metropolitan area.[85]

The complaint of a temporary resident of Birmingham captured the feeling that the smoke ordinance was inadequate and needed to be replaced by a more scientific approach to pollution control. Ann Pierce, who had lived in Los Angeles and Pittsburgh, said that both of those cities had done a better job of dealing with air pollution than Birmingham. Although the downtown hotel where she and her family were living provided filtered air within, as soon as she stepped outside

> [t]he fumes are extremely thick and strong and it causes me to wonder why something hasn't been done here by a 'smoke abatement league' or by a city ordinance prohibiting industries and other large buildings from belching tons of cancer producing fumes out over innocent citizens....Here, everyone seems so apathetic. Why doesn't someone have a sample of this terrible air analyzed by the Medical Center? I can assure you the results would be frightening and perhaps would stir people into action. The condition is tragic, but not insoluble.[86]

Pierce was obviously incorrect in assuming that Birmingham did not have a smoke abatement movement or city ordinance. Proponents of smoke abatement had been active for at least 15 years and the smoke ordinance had been on the books for a decade. Despite these efforts, Birmingham's air undoubtedly remained very polluted in 1955. Was this proof of the apathy that Pierce decried? Perhaps some residents were resigned to accept polluted air as the price for living in an industrial city. But many did not quietly accept

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[85] For a discussion of the rivalry between Birmingham and Atlanta, see Glenn Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1997), 366, n. 29; LaMonte, *Politics and Welfare in Birmingham, 1900–1975*, 266, n. 132; Scribner, *Renewing Birmingham*, 69–70.

[86] Ann Pierce, "Voice of the People: Why Can't Birmingham Abate Smoke Nuisance?" *Birmingham News*, October 28, 1955.

pollution as their lot, as shown by the numerous residents who complained to the city about pollution sources in their neighborhoods.

Pierce may have somewhat mischaracterized the attitudes of Birmingham residents toward smoke, but in her comments she hinted at the future of air pollution control in Birmingham. Since the late 1930s, organizers and city officials had focused almost exclusively on eliminating smoke from the sky. What made up the smoke was not the top priority. Getting ridding of the black smoke was. Pierce urged that the air be analyzed by someone at the medical center. In this respect, Pierce was foreshadowing what was to happen in Birmingham. Soon air pollution control would shift from a focus on visible smoke to the scientific study of the air. The new scientific approach would emphasize the health effects of air pollution. This shift to a science-based control regimen would happen gradually and it would coincide with a shift away from a mostly locally driven approach. During the 1940s, the federal government had played a bit part in the discussion of smoke control in Birmingham when it exerted its influence over airport improvements and bomber plants during World War II. It was not until the mid-1950s, though, that the federal government began to take an active role in the study of air pollution in Birmingham. Eventually that federal involvement would extend into the control of air pollution but not until the 1960s.

Chapter 3

Federally Funded Research and the Beginnings of an Air Pollution Program

In the summer of 1956 production at steel mills around the nation ground to a halt when the United Steel Workers of America went on strike. The resulting clearer skies must have made it easier to breathe in the neighborhoods around Birmingham's steel mills. But many in Birmingham were not happy about the absence of smoke, considering it a threat to the city's economic health. A reporter for the *News* lamented that

> [s]canning "steel valley" from a hilltop in Fairfield or Ensley Saturday one almost senses the death throes of an industrial giant. The stacks from the blast furnaces no longer bulge with black smoke. The clang of warning bells, the toot of whistles, the clamor of crane and train, and more important the moving dots of humanity along the valley floor are no more. Movement here and there indicates some life exists. But the pulse is weak.[1]

When the steel strike ended later that summer, many welcomed the return of smoke as a sign of economic recovery. An August cartoon in the *News* showed Vulcan looking over Jones Valley toward the smoke-emitting smokestacks. The caption read, "Man! What a Sight for Sore Eyes!"[2] One could forgive Birmingham's newspaper readers for thinking that the god of the forge was a little confused. The month after Vulcan greeted the return of smoke as a sign of prosperity, a *News* column written from Vulcan's perspective lamented the smog that continued to dirty Birmingham's skies. In the column, "From Where I Stand," Vulcan called for stricter smoke abatement, specifically criticizing

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[1] "Steel Valley's Critical Hour--Stricken Industrial Giant Lies in Death-Like Coma," *Birmingham News*, July 1, 1956.

[2] "'Man! What a Sight for Sore Eyes!'" *Birmingham News*, August 7, 1956.

residents who illegally burned trash. But he also asked industry to do its part to clear the air.[3]

Vulcan's ambivalence about his city's dirty skies was nothing new and was shared by many in Birmingham. For decades area residents had seen smoke as both a sign of prosperity and as a nuisance. There was, however, something new in Vulcan's call for industry to do its part to reduce pollution. During the 1940s and early 1950s most proponents of smoke abatement in Birmingham had concentrated their efforts on homes and businesses that burned coal. With a few exceptions anti-smoke activists had publicly stated that industrial operations were doing a good job of minimizing black smoke, because they knew it represented waste. During the 1950s it became increasingly clear that industry had become the greatest contributor to air pollution in the area. Non-industrial sources of smoke, such as home furnaces and water heaters, continued to burn some coal, but these emissions gradually declined with the widespread shift to natural gas in the 1950s. Pollution from other sources, such as automobiles, was on the rise, as industry advocates were quick to point out whenever they faced stricter regulation. Still, the fact that the air in Birmingham became noticeably clearer during the steel strike made it difficult to deny that heavy industry was to blame for a major part of the city's air pollution.

Scholars have sometimes characterized a split between the smoke abatement campaigns of the first half of the twentieth century and the anti–air pollution movement of the 1960s and 1970s. Though there were continuities between pre- and postwar clean air movements, there were also significant changes that occurred in the 1950s and 1960s,

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[3] "From Where I Stand: Vulc Sure Hates to Have All That Smog in His Face," *Birmingham News*, September 16, 1956.

including scientific research, often federally funded, that led to the understanding that many parts of the nation had an air pollution problem, not a smoke problem. This shift did not happen overnight, however, and the 1950s and the earlier smoke abatement regime continued in Birmingham and other cities, though it was gradually replaced with a new understanding of air pollution.[4]

The federal government played a crucial role in the shifting attitude toward air pollution in Birmingham from the mid-1950s onward. This was not the first time that Washington had influenced the discussion of air pollution in Birmingham. Most notably, federal officials had spurred the smoke abatement movement during the 1940s when they had threatened to deny the city funds to expand its airport because of the heavy smoke in Birmingham. It was during the 1950s, however, that the federal government began to take a more direct role. This role was largely a technical and advisory role. The United States Public Health Service (USPHS) provided funding for studies and surveys of air pollution in Birmingham, including one conducted during the 1956 strike. Eventually, in the 1960s, the USPHS began funding not just research but also a county air pollution control project. What the federal government did not do in the late 1950s and early 1960s was mandate how air pollution control was to be enacted in Birmingham. Federally funded researchers and health officials often made it clear that they supported stronger control, but it would not be until the late 1960s that Washington would start taking a more direct role in forcing the state to act. [5]

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[4] For a discussion of postwar air pollution policy in the United States, see Frank Uekoetter, *The Age of Smoke: Environmental Policy in Germany and the United States, 1880–1970* (Pittsburgh: University of Pittsburgh Press, 2009); and Scott Hamilton Dewey, *Don't Breathe the Air: Air Pollution and U.S. Environmental Politics, 1945-1970* (College Station: Texas A&M University Press, 2000).

[5] Despite concerns of some Alabamians that federal authorities were waiting to swoop in to Alabama to regulate its air, Dewey has documented the reluctance of the federal government to play a larger role in air

Any sort of federal activity in Birmingham during the 1950s and 1960 would be expected to draw a response from citizens and it did. This was the era of *Brown v. Board* and Little Rock when many white southerners felt that Washington was sticking its nose where it did not belong. At a time when many white southerners were rallying around "states' rights" to protest federal involvement in civil rights issues, the aversion to a greater federal role may seem like just another example of southern resistance. Yet there was nothing exceptional about southerners' ideas about the proper role of the federal government in air pollution control. Air pollution began to emerge as a national issue during the 1950s, but even proponents of federal air pollution research declared that air pollution regulation should be left primarily to local and state governments. Supporters of air pollution control in Birmingham held views on the federal role similar to that of their counterparts in other parts of the country. Some wanted no federal involvement at all, but the consensus seemed to be that some federal role was appropriate. There was a catch. For the most part, elected officials and many citizens wanted Washington to provide funding and expertise on air pollution. They just did not want the national government to mandate how the city and state should control pollution.

This reluctance to cede regulatory control to the federal government was not surprising, as the vast majority of efforts to control pollution before World War II were locally focused. As late as 1962, a federal health official declared, "Most people agree that air pollution should be regulated by the lowest level of government capable of dealing with a particular problem area in its entirety." With the exception of cities located

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pollution control: "Far from rapidly reaching beyond the boundaries of traditional federalism to seize state power arbitrarily, both the legislative and executive branches of the federal government assiduously sought to maintain air pollution control as a state and local responsibility through the end of the 1960s—to the dismay of activists hoping to see more rapid and decisive action." For federal reluctance to take on a larger role in the regulation of air pollution, see Dewey, *Don't Breathe the Air*, 7, 236.

near state lines, the public may have still considered pollution to be a local problem that could be dealt with on the county level, or on a state level if it affected a larger area. It was only when the limits of local environmental regulations in the late 1950s and early 1960s became apparent, that environmental activists began to welcome a more active federal role. Industry officials probably believed that they could have more influence on the local level than in Washington. So, at least on the matter of air pollution control, Alabamians who called for limited federal involvement were well within the national mainstream.[6]

A 1948 air pollution disaster in western Pennsylvania served as a catalyst for increased federal involvement in air pollution. That October industrial emissions killed 17 people in the industrial city of Donora. The disaster made headlines around the nation and the world, including Birmingham.[7] An editorial in the *News* asked whether such a catastrophe could happen in Birmingham. The editorial concluded that though a Donora-like disaster was unlikely in Birmingham, "the possibility, no matter how remote, of such a thing offers additional cause for pushing the city's smoke abatement campaign to the utmost."[8] On the national level the Donora catastrophe contributed to a push to get the federal government, specifically the USPHS, involved in air pollution research. Though several bills advocating such a move failed in Congress in 1949, late that year President Harry S. Truman called for the first United States Technical Conference on Air Pollution, which was held in Washington in 1950. However, it was not until the passage of the Air

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[6] For the quotation and a discussion of the widespread consensus against federal intervention, see Uekoetter, *The Age of Smoke*, 127.

[7] Lynn Page Snyder, "Revisiting Donora, Pennsylvania's 1948 Air Pollution Disaster," in *Devastation and Renewal: An Environmental History of Pittsburgh and its Region* (Pittsburgh: University of Pittsburgh Press, 2003), 126–44; Dewey, *Don't Breathe the Air*, 4, 236.

[8] "Death in the Air," *Birmingham News*, November 2, 1948.

Pollution Control Act of 1955 that the United States began to develop an ongoing air pollution program.[9]

Leaders in Birmingham and Washington agreed that the federal government could play a useful, if limited, role in the problem of air pollution. In a December 1949 letter to the Secretary of the Interior requesting that he organize the air pollution conference, Truman made it clear that he envisioned a limited role for the national government:

> I do not contemplate that the deliberations of the Interdepartmental Committee and the Conference will result in the creation of programs which will commit the Federal Government to material expenditures from an already heavily burdened treasury, since the responsibilities for corrective action and the benefits are primarily local in character.[10]

Citing urgent city business and preparations for the upcoming meeting of the U.S. Conference of Mayors, of which he was president, Birmingham's mayor, W. Cooper Green, sent his regrets to Louis C. McCabe, the chairman of the conference. Green informed McCabe,

> I want you to know that I am keenly interested in this movement, and I have realized for some time the seriousness of this question. In my mind, very highly technical points on the causes and methods of attack can be more easily and thoroughly brought about by trained technical men connected with the Federal Government.[11]

Green was expressing the widely held view of federal involvement in the air pollution issue. Most federal officials were in agreement with state and local officials that the federal government should provide funding for research as well as technical support and

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[9] Dewey, *Don't Breathe the Air*, 236–37; Snyder, "Revisiting Donora, Pennsylvania's 1948 Air Pollution Disaster," 126; Uekoetter, *The Age of Smoke*, 216. For a discussion of the evolving federal role in air pollution research and control in the postwar era, see Chapter 12 in *Don't Breathe the Air*, especially pp. 236–43, and pp. 216–221 in *Age of Smoke*.

[10] Louis C. McCabe, *Air Pollution: Proceedings of the United States Technical Conference on Air Pollution* (New York: McGraw-Hill, 1952), vi.

[11] W. Cooper Green to Louis C. McCabe, April 13, 1950, file 368.12.35, W. Cooper Green Papers, Birmingham Public Library Department of Archives and Manuscripts (BPLDAM).

information about air pollution but should not dictate how air pollution should be controlled.

The first significant instance of federal involvement in air pollution research in Birmingham occurred during the 1956 steel strike.[12] The day after the strike began, USPHS researchers at the Robert A. Taft Engineering Center in Cincinnati, Ohio, began sampling the air of several steel-producing cities: four Pennsylvania cities, including Pittsburgh and Donora, as well as East Chicago, Indiana, and Birmingham. Under the direction of federal scientists, officials at the Jefferson County Health Department in Birmingham set up air-sampling stations in three locations: University Medical Center just south of downtown, a health center in the industrial suburb of Bessemer five to eight miles from large steel plants, and at the health center in the Ensley neighborhood of Birmingham adjacent to one of U.S. Steel's large plants and a few miles from another. Levels of various pollutants were measured during the strike and after it ended, when steel production resumed. The study found that levels of suspended particulate matter—dust and other particles in the air—were about 30 percent lower during the strike than afterward.[13]

That a study found that air pollution levels dropped when steel plants were idle may not seem remarkable. Indeed, the study's authors stated that "[t]he fact that lower levels were found during the strike period was not in itself surprising." What was significant about the major finding of the study was that it provided scientific evidence to support what many people in Birmingham had already suspected—that heavy industry,

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[12] The Air Pollution Control Act of 1955, the first federal air pollution legislation, funded federal air pollution research and technical assistance for local and state agencies. Uekoetter, *The Age of Smoke*, 216–17.

[13] Elbert C. Tabor and James E. Meeker, *Effects of the 1956 Steel Strike on Air Pollution Levels in Several Communities* (Cincinnati: Robert A. Taft Sanitary Engineering Center, 1958), 1, 3–4, 8, 14.

particularly steel production, was a major contributor to air pollution in the area. Of course, steel plants were not the only source of air pollution in Birmingham. The Public Health Service scientists reported that suspended particulates dropped significantly during the strike, but they did not disappear. They noted, "[T]he occurrence of occasional high levels during the strike period indicates that there are sources contributing to pollution of the air which may not be obvious in the presence of an industry which is frequently looked upon as the major offender." Surely iron foundries and other industrial operations that remained open during the steel strike continued to spew particulates into the air over Birmingham. Yet the first scientific proof that steel plants were a significant contributor to Birmingham's dirty air would prove useful to those trying to enact some sort of air pollution control program in the Birmingham area. Beginning in the late 1950s, when the results of the 1956 steel study and other federally funded research began to be published, supporters of air pollution control would use the results to support their push for air pollution legislation. It was a pattern repeated during the 1950s and 1960s. Health officials and activists began to rely on scientific studies of air quality, most of them federally funded, to make the case that Birmingham's air needed to be cleaned up.[14]

Research into Birmingham's air pollution problem intensified during the second half of the 1950s, reflecting increased federal funding. The 1955 air pollution law, which was renewed by Congress for another four years in 1959, allocated several million dollars for air pollution research and technical assistance.[15] Part of that funding supported the National Air Sampling Network, which had begun in 1953, with Birmingham joining in 1957. The scope of the sampling network was somewhat limited, with just one sampling

[14] Ibid., 9.
[15] Dewey, *Don't Breathe the Air*, 238.

station in each city. In contrast, the 1956 steel study, which began in a hurry once steelworkers walked off the job, sampled the air at three locations scattered around the Birmingham area. Unlike the steel study, which lasted for only a few months during and after the strike, the National Air Sampling Network provided regular monitoring of air quality in Birmingham.[16]

The same year that Birmingham joined the National Air Sampling Network, the city of Birmingham and the Jefferson County Department of Health asked the Public Health Service to conduct a survey of the air pollution situation in the area.[17] At a July 15, 1957, meeting officials from the Jefferson County Health Department, the city of Birmingham, and the USPHS agreed on the objectives of the survey:

> 1. Review the existing and potential air pollution situation.
> 2. Review existing air pollution control activities.
> 3. Develop recommendations for legislation, organization, staff, facilities, and program relative to air pollution control activities.[18]

Though the report would not be published until the next year, many in the city welcomed federal assistance. For example, a few months before the federal officials came to town, Vulcan, writing in the *News*, declared, "Old Vulc believes the people of our town ought to stand up with a loud and lusty cheer for Uncle Sam's health service."[19] When the survey team arrived in town that summer, their emphasis on their advisory role may have muted some local opposition to federal involvement. A *News* article that quoted Jean J.

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[16] Arthur C. Stern, "Present Status of Atmospheric Pollution in the United States," *American Journal of Public Health* 50 (March 1960): 346–356; Donald M. Keagy and Jean J. Schueneman, *Air Pollution in the Birmingham, Alabama, Area* (Cincinnati: U.S. Dept. of Health Education and Welfare, Public Health Service, Bureau of State Services, Division of Sanitary Engineering Services, Robert A. Taft Sanitary Engineering Center, 1958), 43.

[17] Keagy and Schueneman, *Air Pollution in the Birmingham, Alabama, Area*, 2.

[18] Ibid., Appendix A.

[19] Vulcan, "From Where I Stand: Smoke Abatement Study in City Heartening News," *Birmingham News*, May 19, 1957.

Schueneman, the head of the survey, captured the federal attitude on the air pollution issue:

> "We will do the survey and write the report," he said. "That way we can help clear the air for the community to clear its own atmosphere if the people want to. The community can promote whatever governmental activity in that direction it wants and, we hope, appropriate funds to support it."[20]

In discussions with local officials and reporters, Schueneman made it clear that he believed that air pollution was "quite some problem" in Birmingham but that it was up to the local population to decide what to do.[21]

The USPHS researchers published a report on the survey in May 1958. Unlike the Public Health Service scientists who conducted the 1956 steel strike, Schueneman's team did not carry out any original research. Instead, they reviewed previous research and pollution measurements—which were very limited—and interviewed local elected and health officials. The report also included the researchers' "personal observations" on the air pollution situation in Birmingham.[22]

The emphasis on the federal advisory role did not mean that Schueneman and his co-author pulled any punches in their report. They characterized Birmingham as having "a significant degree of air pollution...as evidenced by such subjective observations as reduced visibility, blackening of buildings and other exposed surfaces, deposits of dirt on window sills, and damage to vegetation near particular sources of pollution." The researchers noted that though city officials recognized the pollution problem, the present efforts at regulating air pollution were extremely inadequate. The 1945 smoke ordinance

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[20] "Experts Study Cause for City Air Pollution," *Birmingham News*, July 15, 1957.
[21] "City Has 'Quite a Problem,' Air Pollution Expert Says," *Birmingham News*, July 17, 1957.
[22] Keagy and Schueneman, *Air Pollution in the Birmingham, Alabama, Area*, v.

had many weaknesses, including the fact that it applied only to smoke, not other types of emissions. Even its regulation of smoke was "too liberal for present-day practice," according to the report. The survey team also concluded that Birmingham's smoke abatement program was inadequately staffed. They reported that cities similar in size to Birmingham employed an average of three or four full-time employees with technical expertise in their air pollution control programs. Birmingham's smoke abatement program employed just one person who did not have any special training or expertise.[23]

Though the report was not the result of original research, its findings on the contribution of industry to Birmingham's air pollution problem had a significant impact on the air pollution debate during the next few years. Citing the 1956 steel strike study, which found that levels of particulates in the air spiked after steel plants resumed operation, the researchers reported, "The heavy metals industry, particularly the steel industry, is undoubtedly the major source of industrial pollution."[24] A key reason that industry produced so much pollution was its heavy reliance on coal, according to the report. That coal contributed to air pollution was not a new concept, as smoke abatement campaigners had concentrated much of their efforts toward encouraging residential and commercial users to burn coal without producing so much smoke. But non-industrial use of coal had been rapidly declining, as considerable numbers of homes, commercial businesses, and railroads switched to fuels that produced less smoke. While this was happening, however, coal use in industry and in electrical power plants was on the rise,

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[23] Ibid., 51. That Birmingham's smoke abatement program was more limited than other cities is not surprising. For much of the twentieth century, Brimingham lagged behind comparable cities in funding for city services. See Edward Shannon LaMonte, *Politics and Welfare in Birmingham, 1900–1975* (Tuscaloosa: University of Alabama Press, 1995), x–xii.

[24] Keagy and Schueneman, *Air Pollution in the Birmingham, Alabama, Area*, vi (quotation), 43.

the researchers reported.[25] This had a mixed effect on air pollution in Birmingham, according to the researchers:

> It should be noted that the burning of coal is less efficient in domestic furnaces and is burned more completely in steam-electric plants. Therefore, pollution of the atmosphere by black smoke due to the burning of coal has been declining. However, increased consumption will mean increased amounts of other emissions such as the oxides of sulfur and nitrogen.[26]

Just because the air might have started to look clearer than it had during World War II—when homes, businesses, and industrial plants were spewing lots of black smoke—did not mean that the air was any better to breathe.

The survey did not immediately usher in stricter air pollution control in Birmingham, but it should be considered something of a turning point in the decades-long effort to regulate air quality in the Birmingham area. To start, the survey report made a series of recommendations that provided a blueprint for a more professional air pollution program. The Jefferson County Health Department had already become involved in the air pollution issue. It had been the health department that, along with the city of Birmingham, had requested the federal survey. Yet the role of county health officials was still undefined and underfunded. The 1958 report recommended the establishment of a county-wide air pollution program staffed by air pollution experts. This move away from a city-wide approach toward a county or regional one was typical of the era as recognition grew that air pollution easily crossed political boundaries. The federal researchers estimated that it would cost about $75,000 per year to establish and run an adequate air pollution control program in the Birmingham area. The county would

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[25] Ibid., 31.
[26] Ibid.

officially set up a federally funded air control program in 1964, though it would lack regulatory powers.[27]

An even more important result of the survey was that it identified heavy industry as the main issue in the discussion of air pollution in Birmingham. In the smoke abatement campaign during and after World War II, industry was either considered to be doing its part to reduce smoke or at worst was just one part of the problem. During the 1940s and 1950s grassroots groups had targeted industries, but mainly for localized nuisances limited to particular neighborhoods. Now federal scientists were declaring that the major source of air pollution in Birmingham was what had long been the 800-pound gorilla in the room—the iron and steel industry. Although no turning point is perfectly defined, after the release of this report, industry was widely recognized to be the major polluter in the area. The argument would shift toward disagreements on the proper balance—how much air pollution control could industry be subjected to without affecting the local economy.[28]

One issue that the USPHS survey did not investigate to any significant degree was the impact of air pollution on health. Few had denied that air pollution could irritate the respiratory system, but the relationship between air quality and long-term health effects had been disputed into the 1950s. As the decade neared its end, there was growing consensus that air pollution could have a significant negative impact on health. As Dr.

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[27] Ibid., viii, 53; United States, *Proceedings, National Conference on Air Pollution, Washington, D.C., Nov. 18-20, 1958* (Washington, D.C.: U.S. Govt. Print. Off., 1959), 5. A countywide program was established in Pittsburgh in 1949, and similar county and regional programs were established in other cities during the 1950s and early 1960s. See Joel A. Tarr, "The Metabolism of the Industrial City: The Case of Pittsburgh," *Journal of Urban History* 28 (July 2002): 511–545; and Uekoetter, *The Age of Smoke*.

[28] Attitudes toward industry did not change overnight. Through the early 1960s, a spirit of cooperation between government and industry, what Uekeoetter has called "pseudocorporatism" and Terence Kehoe has called "cooperative pragmatism" continued to be dominant in Birmingham. See Uekoetter, *The Age of Smoke*, 115; and Terence Kehoe, *Cleaning Up the Great Lakes: From Cooperation to Confrontation* (Dekalb: Northern Illinois University Press, 1997), 5.

Leroy E. Burney, the U.S. Surgeon General, told the National Conference on Air Pollution in November 1958, "after many years of closer observation, investigators are finding a definite association between community air pollution and high mortality rates due to cancer of the respiratory tract, including the lungs, cancer of the stomach and esophagus, and arteriosclerotic heart disease." Because so many other risk factors can contribute to cancer and other diseases, pinpointing the precise impact of air pollution is extremely difficult. Yet the surgeon general pointed out that "cities with the heaviest pollution loads tend to rank high in death rates for a number of diseases."[29] The issue of health and air pollution was far from settled in the late 1950s. As the environmental movement gained strength during the 1960s and early 1970s, harmful health effects were a major source of disagreement between environmentalists and industry officials as the federal government set pollution standards.[30]

The health impact of air pollution took on a new prominence in the early 1960s. Prior to then, smoke had usually been thought to be mostly a nuisance to health. Residents complained of frequent colds and sinus problems, but air pollution was rarely accused of causing serious health problems. As in the rest of the country, those attitudes began to change in the late 1950s and early 1960s as research began to associate air pollution with serious illnesses. One such study hit home in Birmingham. In May 1960 a researcher from the National Cancer Institute announced preliminary results of a study indicating that the rate of lung cancer in Birmingham was three times greater than the national average. The lung cancer rate in Birmingham was related to airborne levels of the chemical 3,4-benzpyrene, which had been linked to cancer. The researcher noted that

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[29] *Proceedings, National Conference on Air Pollution, Washington, D.C., Nov. 18-20, 1958*, 2–3.
[30] Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (Cambridge: Cambridge University Press, 1989), 75.

a similar association between lung cancer and air pollution had been identified in several industrial cities in Britain. This single study did not prove that air pollution caused cancer in Birmingham, because other factors, such as tobacco use, significantly affect the odds of developing the disease. Still, this study including Birmingham, as well as other studies being conducted around the nation and the world, raised concerns about the health impact of air pollution. Health began to be a key concern of people working to implement air pollution control in the Birmingham area.[31]

For example, Dr. George Denison, the county health officer, emphasized the health effects of air pollution when pushing for a county-wide air pollution program. Denison cautioned that little was known about the effect of air pollution on health, but he said that people with some ailments, including heart disease, lung disease, and allergies, often improved when they moved out of a heavily polluted area. He also mentioned that lung cancer deaths tended to be higher in urban areas, where pollution was worse. Denison had been one of the first public figures in Birmingham to argue that air pollution had a harmful effect on health in the community back in the 1940s.[32]

Local and state groups and institutions also initiated scientific research on the health impact of air pollution in Birmingham and other Alabama cities. In 1962 the Jefferson County Anti-Tuberculosis Association and the University of Alabama Medical College, along with the support of many other county groups, began a statewide study

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[31] W.C. Hueper et al., "Carcinogenic Bioassays on Air Pollutants," *Archives of Pathology* 74 (August 1962): 89–116; "Air Pollution Blamed--Lung Cancer Here Is Triple that of Nation," *Birmingham News*, May 26, 1960; "Dr. Simon Says--Air Pollution Studied Here for Several Years," *Birmingham News*, May 27, 1960; "Fewer Deaths Result--City's Smoke-Cancer Ratio Cited in Study," *Birmingham Post-Herald*, May 27, 1960.

[32] "Denison Warns City on Dirty Air," *Birmingham News*, June 13, 1961; "Lung Cancer Rise Cited by Denison," *Birmingham Post-Herald*, June 14, 1961. For an account of Denison's statements on air pollution and health, see Chapter 1. Because studies like the lung cancer one suggested but did not prove that air pollution caused lung cancer, industry was able to delay action on air pollution by calling for more research before setting a new policy. Dewey, *Don't Breathe the Air*, 9–10.

examining the link between emphysema, other lung diseases, and air pollution. Known as the Alabama Respiratory Disease and Air Pollution Study, the investigation soon received the backing of the USPHS and expanded beyond its original scope to include an intensive study of air pollution in the greater Birmingham area.[33]

Washington's involvement in air pollution in Birmingham was not limited to funding for scientific studies. In the fall of 1960 Birmingham congressman George Huddleston Jr. invited Rep. Kenneth Roberts, who represented the east Alabama city of Anniston, to hold air pollution hearings in Birmingham. Roberts chaired the House Subcommittee on Health and Safety of the Committee on Interstate and Foreign Commerce, which was considering a bill to expand the federal government's role in air pollution control. The bill had the backing of the Kennedy administration. Though the Senate had passed versions of the air pollution control bill in 1960 and 1961, it was being held up in the House in part due to the reluctance of Rep. Roberts, who was wary of an enforcement role for the federal government. Roberts would eventually drop his opposition, helping lead to the passage of the Clean Air Act in 1963.[34]

The hearing was postponed because of medical problems that prevented Roberts from traveling to Birmingham. Though the hearing did not take place until late the next year, it triggered some local interest. One resident of Tarrant, an industrial suburb adjacent to Birmingham, welcomed the attention of the federal government:

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[33] Ben V. Branscomb et al., "Alabama Respiratory Disease and Air Pollution Study," *Archives of Environmental Health* 12 (January 1966): 15–22; Charles B. Robison, Frederick L. Meadows, and John J. Henderson, "Alabama Respiratory Disease and Air Pollution Study," *Archives of Environmental Health* 15 (December 1967): 703–27; "In December--Air Pollution-Lung Tests to Be Made," *Birmingham Post-Herald*, October 19, 1961; "Public Health Service Scientists Test Air Pollution Here," *Birmingham Post-Herald*, September 20, 1962; "Air Pollution Study to Start in the Fall," *Birmingham Post-Herald*, April 4, 1963.

[34] Dewey, *Don't Breathe the Air*, 74, 238; "Alabama...Should Know," *Birmingham News*, November 26, 1960; "Birmingham Air Pollution Hearing Is Set," *Birmingham News*, December 2, 1960.

> I trust that your investigation will be thorough, and that some good results may come therefrom; and that the present deplorable and disgraceful health situation here will be greatly improved. It appears that our Public Officials (City and County) have been fast asleep here now for some time, and need a jolt to wake them up.

The Tarrant resident complained about property damage, specifically the deterioration of paint on cars and houses, but the primary concern of the letter was the effect of air pollution on residents' health.

> Recently a neighbor of mine, a man of about 34 years of age, died from lung cancer; which not [sic] doubt was caused, or aggravated by said chemical and other fumes; at least said fumes did not "aid" his health or personal comfort in use of his home.

The letter writer noted that "[s]ome people have suggested that our local officials should be impeached for incompetency...but perhaps, after you [sic] investigation, such extreme steps may not be necessary." Whatever the political beliefs of the letter writer might have been, he or she welcomed federal involvement in air pollution control because of the failure of local officials to deal with the problem.[35]

The Tarrant resident was probably disappointed by the hearings when they eventually took place in Birmingham in November 1961. Though members of the subcommittee spoke with federal and local officials who were familiar with the air pollution situation in Birmingham, the representatives did not conduct an extensive investigation. Most speakers at the hearings testified in support of a restricted federal role in air pollution control. Roberts began the hearing with a clear statement of his view that the federal government should have a limited role in air pollution control. He declared,

> It is generally agreed, I think, that the actual control of air pollution is a local responsibility. We could not set up and enforce an abatement program at long range from Washington.

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[35] Letter to Kenneth Roberts, November 28, 1960, file 266.26.19, James W. "Jimmie" Morgan Papers, BPLDAM. The signature on the letter is difficult to make out.

> I might say at this point...that it is my conviction, and I think it is the conviction of some members of the subcommittee, that there is not enough money in the Federal Treasury for us to go into every local situation and do the whole job. We feel that the local communities must be given encouragement and must be given whatever guidance and information that we can get from widespread research. But primarily, unless there is an interstate problem such as you would have in a city like St. Louis and East St. Louis, that primarily this matter is up to the local communities and people with civic pride are going to try to do the job.[36]

Roberts stated that the primary function of the federal government was to conduct research on air pollution, arguing that "the Federal Government can do the job cheaper than if the States and local communities go it alone. Duplication can be eliminated by a Federal program. Information can be collected and disseminated more efficiently and rapidly that way."[37] Though a representative from Pennsylvania advocated a vigorous federal role, the prevailing opinion expressed at the hearings was that the federal government should concentrate on research, not enforcement.[38]

Huddleston, the Birmingham representative, certainly did not call for federal intervention to clear Birmingham's air. In fact, he seemed intent on determining that Birmingham's pollution problem really was not that bad compared to other industrial cities. After hearing the statements of two officials from the Air Pollution Division of the USPHS, Huddleston and another member of the subcommittee pressed them to place Birmingham's air pollution problem in perspective. Though both men resisted giving a simple answer to a complicated question, each told the subcommittee that Birmingham's air pollution problem was significant. Jean J. Schueneman, the chief of the Technical Assistance Branch of Division of Air Pollution, said in response to a question about the

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[36] *Air Pollution. Hearings before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, Eighty-seventh Congress, Second Session, on H. R. 747 [and others] June 25, 1962 and November 27, 1961.* (Washington, D.C.: U.S. Government Printing Office, 1962), 32.
[37] Ibid., 33.
[38] Ibid., 51.

relative severity of Birmingham's air pollution problem, "For its size, I think it's probably worse than the average." When asked to elaborate, Schueneman said that several of the cities with higher levels of suspended particulates were "much larger and yet have only slightly more pollution."[39] When pressed by Huddleston to compare Birmingham's air pollution with other iron and steel producing cities, specifically Cleveland and Pittsburgh, Dr. Richard A. Prindle, the deputy chief of the Division of Air Pollution, replied, "to sum up, Birmingham is right up there with them."[40]

The hearings gave local health officials an opportunity to offer their assessment of the air pollution situation in Birmingham. The consensus was that Birmingham had a significant problem but that the main role of the federal government should be to conduct research and provide technical assistance. In a joint statement Dr. Donald B. Sweeney, the chairman of the Jefferson County Board of Health, and Dr. George A. Denison, the county's health officer, told the subcommittee,

> The Jefferson County Board of Health is of the opinion that pollution of the atmosphere in the Jones Valley area of Metropolitan Birmingham, Ala., is of sufficient concentration and persistence as to constitute a public health problem affecting the general health of the area and is responsible for the aggravation of chronic lung disease, bronchitis, sinusitis, emphysema, bronchial asthma, and allergic conditions which are often relieved simply by leaving the air polluted area.

The county health officials requested technical assistance that was beyond the means of local officials, as well as funding to initiate a local air pollution program. They stated that this federal assistance "would accelerate a control program without minimizing legal responsibility of local government." In essence, the county health officials were seeking federal money but agreed with the view that air pollution control should be a local matter.

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[39] Ibid., 57.
[40] Ibid., 58.

Though the state government would prove reluctant to enforce strict air pollution control later in the decade and would pre-empt local programs, in the early 1960s these local health officials believed that they could, with federal expertise and funding, adequately deal with Birmingham's air pollution problems. [41]

Most of the testimony at the hearings came from elected officials and health experts, but the testimony of one witness did provide a glimpse of how some "ordinary citizens" viewed air pollution in Birmingham. Like the Tarrant resident who wrote Rep. Roberts, Mrs. Hugh Spurlock, who represented the Federated Women's Clubs, demanded action on air pollution. Referring to water and air, Spurlock told the subcommittee,

> They are our God-given resources. They are not ours to pollute. I think we have heard the evidence this morning that conditions have reached the point whereby something has to be done. I want to compliment this committee, and I am very appreciative of presenting myself here this morning because the clubwomen are definitely interested in what you are doing. We are watching what you are doing, and we are keeping up with what you are doing....We are appreciative of the hearing, and just remember that we can't live without pure water and we cannot live without pure air. It behooves us to do something about it.[42]

Though Spurlock's testimony was more polished than the Tarrant resident's letter, the two shared a frustration with the status quo. Neither offered specific plans, but they wanted to breathe clearer air.

Despite their shared sense of frustration, the Tarrant resident's letter and Spurlock's testimony represented distinct strands of grassroots complaints. Not surprisingly, the Tarrant resident, who lived in a heavily polluted, working-class part of town, expressed concern about the direct impact of pollution on his or her neighborhood—paint peeling off houses and cars and a relatively young neighbor dying

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[41] Ibid., 69.
[42] Ibid., 75.

of lung cancer. Spurlock was no less worried about having clean air to breathe, but she discussed her concerns in broader terms, calling clean air and water "God-given resources." Working-class residents who were directly affected by dirty air at home and at work had long complained to city officials about specific pollution sources in Birmingham neighborhoods and would continue to do so as the push for air pollution control intensified in the 1960s. Spurlock represented a new variety of grassroots activism, however. Based on her leadership role in the state women's club movement, it is safe to assume that Spurlock was middle class or upper middle class. Though everyone in the Birmingham area was affected by air pollution to some extent, Spurlock probably did not live in a heavily polluted area like Tarrant. The language she used to voice her opinion on the need for air pollution control would become the dominant tone of the environmental movement in Birmingham and the rest of the nation.[43]

Some in Birmingham were more wary of federal involvement than the Tarrant man. A local Republican Party activist was emphatic in his opposition to greater federal involvement in the air pollution problem. John Grenier, who headed the Young Republican Federation of Alabama, accused the Birmingham City Commission of neglecting its responsibility to deal with the air pollution problem. Though the county health department and the chamber of commerce had taken steps toward addressing air pollution in Birmingham, the lack of action on the part of city government had created an opportunity for the federal government to interfere in a state matter, according to Grenier:

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[43] Middle-class women, often members of women's clubs and organizations such as the League of Women Voters, played a key role in raising the issue of air pollution during the 1960s. Adam Rome builds on the concept of municipal housekeeping to argue that these women, many of whom were suburban housewives, viewed environmental protection as part of their duties as wives and mothers as had urban reformers in the early twentieth century. See Adam Rome, "'Give Earth a Chance': The Environmental Movement and the Sixties," *Journal of American History* 90 (September 2003): 525–554.

> [T]he Birmingham City Commission has shown little concern for this potentially serious situation despite the fact that Birmingham is one of the 10 most air polluted American cities. This is another example of Federal intervention in local affairs on the excuse that local officials are doing nothing to cure the problem. I strongly urge members of the City Commission and representatives of local businesses and industry to co-operate and prevent this attempt of the Federal Government to control another purely local governmental activity."[44]

As a southern Republican, at that time a minority affiliation, Grenier was clearly motivated by his political belief in a limited role for the federal government. He believed that Birmingham had an air pollution problem but was concerned that the federal government was using the opportunity of local inaction to expand its involvement in what he believed should have been a local responsibility. On the surface Grenier seemed to be overstating federal involvement, since nearly everyone at the hearings emphasized that federal involvement should be limited to research and technical assistance. But there is no denying that by the end of the decade Grenier's predictions of much greater federal involvement came to fruition. Though his political party identification was unusual in the South at the time, Grenier's opposition to what he considered excessive federal involvement was not an unusual position in the South or the rest of the nation. Some of the suspicion many white southerners felt toward the federal government's civil rights involvement surely extended to the issue of environmental regulation. But as the preference for local and state pollution control was not limited to the South, a major factor behind hostility to a greater federal role was the belief that local and state officials could solve environmental problems, as long as Washington helped fund these efforts. It was only when citizens became frustrated with local and state actions that they pressured the federal government to take a more direct role.

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[44] "Young GOP'er Criticizes City," *Birmingham Post-Herald*, November 27, 1961.

During the 1960s most federal involvement in air pollution in Birmingham involved supporting the increasing air pollution activities of the Jefferson County Department of Health. Whereas the smoke abatement activities of the 1940s and early 1950s had been mostly a municipal affair, with efforts focused on enacting and enforcing an anti-smoke ordinance within the city of Birmingham, health officials began to approach air pollution as a countywide problem. In this way, the Birmingham area was similar to metropolitan areas throughout the country. There was increasing recognition that countywide or regional efforts were more effective at controlling air pollution that often crossed municipal boundaries.[45]

Aside from participation in the National Air Sampling Network, which Jefferson County had joined in 1957, the first significant collaboration between the health department and the federal government was a 1961 study of air pollution in the Birmingham area.[46] Unlike the 1957 survey conducted by the USPHS at the request of the Birmingham City Commission and the Jefferson County Health Department, which was based mostly on existing records and research, the 1961 project was a prospective study. County officials and USPHS scientists sampled air quality during two three-week periods in 1961. Many of the findings were not surprising. The researchers reported that Birmingham had relatively high levels of particulates, both those suspended in the air and dustfall—particulates that settle on the ground and other surfaces. Because of the high levels of iron and manganese in suspended particulates, the research team concluded that iron and steel production was a major source of particulate pollution. And as a USPHS scientist had stated at the 1961 Congressional hearings, Birmingham's air pollution

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[45] Stern, "Present Status of Atmospheric Pollution in the United States," 353–54.

[46] *Jefferson County Health Department Biennial Report, 1961-1962* (Birmingham, Ala.: Jefferson County Health Department, 1962), 23, file 264.10.42, Albert Burton Boutwell Papers, BPLDAM.

problem, specifically that of suspended particulates, was "greater than that of cities of equivalent size and larger."[47] What was new in the report were detailed measurements of dustfall in urban and suburban neighborhoods. As would have been expected, neighborhoods near industrial operations tended to have higher average dustfall levels. The researchers reported the neighborhood data in charts, though they did not discuss the implications of the findings. Still, this information was significant because it was the first scientific evidence showing what everyone in Birmingham already knew: that the environmental burden of the city's industrial activity was not equally borne by all its residents.[48]

In the report on the findings, which was published in 1962, the researchers recommended, as the USPHS had in their report on the 1957 survey, the establishment of a countywide air pollution control program.[49] The federal government played a key role in establishing such a program. Until 1964 federal involvement in air pollution in Birmingham had been limited mostly to funding research or holding hearings, such as the 1961 subcommittee hearings in Birmingham. Federal involvement intensified in late 1964 when the USPHS, acting under the newly passed legislation, awarded the Jefferson County Health Department a three-year grant of approximately $120,000 to begin an air pollution control program. Birmingham was one of the first twelve cities in the country to receive such a grant. The health department used the funding to set up twenty-one air-monitoring stations around the county. The first goal of the study, which officially started on December 1, was to survey industrial and commercial emissions to determine the

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[47] Seymour Hochheiser, Sanford W. Horstman, and Guy M. Tate Jr., *A Pilot Study of Air Pollution in Birmingham, Alabama* (Cincinnati: U.S. Dept. of Health, Education, and Welfare, Public Health Service, Robert A. Taft Sanitary Engineering Center, 1962), 1, 10 (quote).
[48] Ibid., 12.
[49] Ibid., 2–3.

major sources of air pollution in the county. Once these sources had been identified, the health department would then work with businesses to reduce air pollution, according to Guy Tate, who was the sanitation director of the Jefferson County Health Department.[50]

In his discussions of the federal grant, Tate emphasized the economic benefits of air pollution control and his belief that additional legislation would not be necessary to control air pollution. As had smoke abatement boosters in the 1940s, Tate made clear that the health department did not wish to harm business. "[W]e are not going to hurt the economy of Birmingham," he told the Young Men's Business Club soon after the program began. He assured them, "A lot of things can be done that are economically sound." Tate used language reminiscent of the conservation era. The sanitation official noted that industries could save money by installing pollution control equipment. "The black smoke you see pouring from a smokestack is usable material." A few weeks earlier Tate had expressed his view that no additional legislation would be needed to control air pollution in the county. He said that the health department had the legal backing to require polluters to clean up, but he stated he did not expect the county to need to use this power. Tate said that the state nuisance law should have been sufficient for dealing with air pollution, something that turned out not to be the case.[51]

Dr. J. Carroll Chambers, the county health officer, also discussed air pollution control in terms of economics. Speaking a few months after the program began, he said, "Our goal in the air pollution project is to provide as pure and as healthful an atmosphere

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[50] "$120,510 Grant--Pollution Study Set," *Birmingham Post-Herald*, November 6, 1964; "City Moves to Set-Up Air-Pollution Control," *Birmingham Post-Herald*, November 19, 1964; "City Air Pollution Being Studied," *Birmingham News*, December 8, 1964; "County Now Operates Air Pollution Program: Sanitation Director Tells of Project Financed on 3-1 Federal-State Basis," *Birmingham Post-Herald*, December 8, 1964.

[51] "City Air Pollution Being Studied"; "County Now Operates Air Pollution Program: Sanitation Director Tells of Project Financed on 3-1 Federal-State Basis"; "City Moves to Set-Up Air-Pollution Control."

as is economically feasible." He noted that "[a] sure way to eliminate traffic accidents would be to eliminate cars and other vehicles," something that was "entirely unreasonable" because it would be devastating to the economy. Just as controls were put in place to prevent accidents, Chambers said, "We hope to find controls which will reduce air pollution in Jefferson County as much as possible."[52]

Though steps to control air pollution in Birmingham began to intensify during the early 1960s, some Birmingham-area residents, perhaps many of them, continued to associate smoky skies with prosperity. In early 1962 U.S. Pipe and Foundry Company fired up its First Avenue blast furnaces for the first time in a year. The *Post-Herald* celebrated the event with a large photograph captioned, "All Fired Up." The re-firing of the furnaces was a cause for celebration because of the jobs it would bring, according to the paper: "The smoke also signaled some 200 workers, who had been laid off, to return to their iron-making jobs."[53] Mrs. W. E. Faull, who lived in the North Avondale neighborhood not too far from the furnaces, rejoiced at the sight of smoke rising again from the furnaces in a letter to the editor: "Yesterday, I drove over the First Avenue viaduct, and as I started the incline it was wonderful to see the white smoke or steam floating over top of the great giants that have stood idle for so long, and I said, out loud, to myself, 'thank God for that wonderful sight again.'" A Birmingham resident since 1920, Faull continued, "I have heard it said many times that Birmingham is a dirty city. Yes it is, but that is what made Birmingham a great city and that dirt means that men are working and making a living for their families." Despite growing recognition of the need

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[52] "Board of Health to Appoint Air Pollution Advisory Group," *Birmingham News*, January 20, 1965.
[53] "All Fired Up," *Birmingham Post-Herald*, February 7, 1962.

to do something about air pollution in Birmingham, many residents continued to associate smoky skies with economic security.[54]

Just as old attitudes toward air pollution persisted, so did the city of Birmingham's methods of dealing with it. While a scientific approach based on the analysis of the components of air pollution was becoming dominant, city inspectors continued to operate under the previous scientific paradigm, when air quality was judged on the relative blackness of smoke. For example, in the fall of 1964, George Murray, a resident of North Birmingham, complained to the mayor about smoke from American Cast Iron Pipe Company (ACIPCO). City inspectors monitored the plant but concluded there was nothing that they could do. The existing law regulated only black smoke, while the smoke from ACIPCO was "a light white, gaseous emission varying from dark gray to light white in color."[55] Similarly, the city's hands were tied when dealing with an Ensley resident's complaint about smoke from highway construction near her home. Inspectors found that workers were using diesel fuel to burn trees that they had cleared, producing a "bluish-white" smoke in the process. Because the contractor had acquired the necessary permit and the smoke was not exceeding the density allowed under the smoke ordinance, the city inspector told the mayor, "there is very little we can do."[56] Inspectors could only assess smoke on one criterion—its density. The components of the smoke, or for that matter, invisible emissions, were out of their control.

City inspectors were well aware of the limits of air pollution control in Birmingham, recognizing that strengthening the city's ordinance would not solve the

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[54] Mrs. W. E. Faull, "Morning Mail--First Avenue Furnace at Work, Is Beautiful", February 10, 1962.
[55] M. J. Sasser to Albert Boutwell, October 22, 1964, file 264.30.9, Albert Burton Boutwell Papers, BPLDAM.
[56] Henry Morgan to Albert Boutwell, October 27, 1964, file 264.30.9, Albert Burton Boutwell Papers, BPLDAM.

problem. In the spring of 1965 Dr. Richard B. Shepard, a local surgeon, complained to George G. Seibels Jr., a member of the city council who would later become mayor, about air pollution in Birmingham. Not surprisingly, Shepard was concerned about the health effects of air pollution: "From my surgeon point of view, we are producing 1975 patients who need operating on for lung cancer, plus present patients with chronic bronchitis and sinusitis." Shepard also suggested an interest in keeping the federal government from intervening in the situation: "The point of this letter is that if we believe in local rather than in Federal Government action we can try to get local anti-smoke rules. Will you help?"[57] Seibels replied to Shepard, promising to see to it that existing smoke-control rules were enforced in the city.[58] But in a separate reply to Shepard, M. J. Sasser, who headed the city's inspection services department, said that lax enforcement of existing rules was not the problem. The laws were being enforced by city inspectors, he said. His larger point was that the problem needed to be addressed on a county, not city, level.

> Corrective action taken by the City Council of the City of Birmingham could in no way materially reduce air pollution. Large percentages of our pollutants have as their source plant locations, outside the City limits of Birmingham, and, therefore, outside the jurisdiction of the City Council of Birmingham. Rigid control in the City would, therefore, in turn, drive the contributing industries to the areas just beyond the City limits. It is recognized, therefore, that our area of solution lies with Jefferson County and, therefore, within the realm of the State Legislature.

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[57] Richard B. Shepard to George G. Seibels Jr., May 5, 1965, file 263.9.16, George C. Seibels Jr. Papers, BPLDAM. Though research on the health impact of air pollution was not definitive in the 1950s and 1960s, many physicians in Birmingham and other U.S. cities argued during the postwar era that air pollution was a public health danger. For example, physicians in Los Angeles were some of the most vocal anti-smog advocates in the 1950s. Birmingham doctors did not organize a clean air campaign as early as their Los Angeles counterparts, but in the late 1960s the local physicians' group in Jefferson County would play a leading role in the push for state air pollution legislation. Dewey, *Don't Breathe the Air*, 83–110, esp. 90–91.

[58] George G. Seibels Jr. to Richard B. Shepard, June 5, 1965, file 263.9.16, George C. Seibels Jr. papers, BPLDAM.

Sasser may not have disagreed with Shepard's desire to limit federal involvement, but he contended that state-level action was necessary.[59]

While the city of Birmingham's smoke inspection program remained hamstrung by the 1945 ordinance, the Jefferson County Health Department continued to emerge as the go-to agency for air pollution control. In 1965 the health department appointed William W. Stalker as head of its air pollution project. Unlike the unqualified smoke inspectors who had led Birmingham's program for nearly two decades, Stalker was an experienced air pollution expert. An assistant professor of medicine at the University of Alabama medical school in Birmingham, he had previously headed air pollution studies in Nashville and Louisville. He also led Alabama's statewide study on the relationship between emphysema and air pollution. On the day Stalker's appointment was announced, Guy Tate, the director of the health department's bureau of environmental sanitation, which oversaw the air pollution project, commented that the aim of the project was not to target business. "We are not after anybody with this project," he said. "We want this to be a cooperative program for everybody. We aren't trying to run anyone out of the area; we want to attract more people in the area through the project."[60] This was the same rhetoric that supporters of cleaner air had been making in Birmingham for decades. Reflecting this spirit of cooperation, the pollution project sponsored an "air pollution school" for representatives from industry and utilities, as well as public health officials. This school, held at the Birmingham campus of the University of Alabama, provided an overview of the type of research that would be conducted as part of the air pollution project.[61] The

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[59] M. J. Sasser to Richard B. Shepard, June 16, 1965, file 263.9.16, George C. Seibels Jr. papers, BPLDAM.

[60] "Air Pollution Expert Named Director of Control Project," *Birmingham News*, January 21, 1965.

[61] "Notice Air Collectors Here? They're Studying Polution [sic]," *Birmingham News*, January 31, 1965.

pollution project included a community advisory board made up of leaders from various fields, including business, health, and engineering.[62]

Again and again, local and federal officials stressed that the role of the federal government was to be advisory, not regulatory. Gene Welsh, an official at the U.S. regional public health office in Atlanta, told the citizens' advisory board, "If a community wants an air pollution control project, we of the USPHS are willing to help in financial assistance, public information and engineering." The implication was that the federal government would provide as much help as needed but would not force local or state officials to take action against air pollution.[63]

Though most expressed opposition to what they considered to be too much federal involvement in air pollution control in Alabama, various constituencies, including industry, health officials, and elected officials, seemed to agree that some sort of state legislation was needed to control air pollution in the Birmingham area. Emissions from iron and steel mills and other sources ignored municipal boundaries, so the logical way to regulate them was on the county level. During the next few years, however, there would be considerable disagreement on whether air quality standards should be set by individual county air pollution control programs or by a state air pollution control authority. Eventually state regulation would prove inadequate, leading grassroots activists to push for federal intervention.

Several air pollution bills percolated during the 1965 legislative session. Industry was adamantly opposed to one proposed bill, which would have granted the Jefferson County Health Department the power to establish and enforce air pollution regulations.

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[62] "10 Asked to Serve as Advisers in Air Pollution Project," *Birmingham News*, January 25, 1965.
[63] "Air Pollution Said Causing More Concern", March 25, 1965.

Though they did not state it publicly, industry surely knew that it would have greater influence with politicians in Montgomery than with physicians and public health experts in Birmingham. Fred Koenig, the vice president of Alabama By-Products Corporation and a member of the county air pollution advisory board, complained that the bill "[gave] the Health Department a blank check on air-pollution control." Another advisory board member, Ehney Camp Jr., the chair of the advisory committee, stated that legislation did not have a chance of passing unless it was acceptable to three groups: industry, the Department of Public Health, and the public. To that end, industry leaders went to work drafting their own air pollution proposal.[64]

Stalker, the head of the county air pollution project, said that health officials "[were] willing to listen to anything industry has." He cautioned, however, that "action has been delayed long enough and something must be done to get enabling legislation through at this session of the legislature." Otherwise, he warned, "Jefferson County residents can face the awful prospect of Federal intervention in air pollution control as well as increasing rates of emphysema, bronchial asthma and other respiratory diseases." Stalker did not say that he favored federal regulation of air pollution in Birmingham, but he used it as a bargaining tool. His comment that "action has been delayed long enough" hinted at a long-lasting back-and-forth that went on between industry and health officials during the 1960s. Industry repeatedly sought more study of air pollution, which delayed the implementation of regulations. For example, the proposal being readied by industry in the summer of 1965 was a two-pronged effort. The first was to establish a board to study the various options and suggest regulations. The second was to establish a control board

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[64] "Group to Delay Push on Air Pollution Bill," *Birmingham News*, June 25, 1965.

that would include representatives from various sectors, including industry. Health officials would counter that the issue had been studied enough. They would also wrangle over the inclusion of industry on any regulatory board, although that would be a subject of contention even among health officials.[65]

As disagreements over state air pollution legislation carried on, federally funded research soon provided more evidence of the severity of Birmingham's air pollution problem. Results of the Alabama Respiratory Disease and Air Pollution Study, which had begun in 1962, would not be published until 1966 and 1967, but preliminary data was released during the summer of 1965. The study found that air pollution in Birmingham was above the national average on two types of particulate pollution: suspended particulate matter and dust fallout. Both of these measures were particularly high in central and north Birmingham. Several neighborhoods had readings below the national average: the over-the-mountain suburbs of Mountain Brook and Vestavia Hills, and the unincorporated area of Center Point northeast of Birmingham. Stalker, the county air pollution chief, said that Nashville and Chattanooga were the only southeastern cities that were comparable to Birmingham. He noted, however, that both of these cities had embarked on air pollution control programs.[66]

That summer officials of the Jefferson County air pollution project also announced the initial findings of a survey of residents' opinions on the impact air pollution had on their daily lives. To conduct the survey, staff members from the air

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[65] Ibid.

[66] "Birmingham 'Out-Smogs' Most Cities: Testing Shows Pollution Triple Urban Average," *Birmingham Post-Herald*, June 23, 1965; "Air Samples Tag Area as 'Dirty City'," *Birmingham News*, June 24, 1965; "Air Pollution Here Tops Two Areas," *Birmingham News*, June 30, 1965; Branscomb et al., "Alabama Respiratory Disease and Air Pollution Study"; Robison, Meadows, and Henderson, "Alabama Respiratory Disease and Air Pollution Study."

pollution control project interviewed one household in every block in most of greater Birmingham. Surveyors asked residents the following question about the impact of air pollution on themselves: "Has air pollution affected you or your household within the last two years in any one or more of the following ways: general nuisance; irritated eyes, nose or throat; material damage, or odor?" Many people in Birmingham and its vicinity felt that air pollution had a direct impact on themselves or their families. Fifty-four percent of Birmingham residents reported experiencing at least one of these effects compared to 44 percent outside of the Birmingham city limits. Complaints were highest in neighborhoods located in or near industrial areas. The percentage of residents who complained of some adverse effects of air pollution was 87 percent in Midfield, 87 percent in Tarrant, 82 percent in North Birmingham, 80 percent in the central business district, and 78 percent in Ensley. Similarly, 73 percent of residents in Lipscomb-Brighton, 71 percent in East Lake, 69 percent in East Birmingham, 69 percent in Pleasant Grove-Woodward, and 68 percent in Fairfield reported being affected by air pollution. Residents in the over-the-mountain communities of Crestline, Homewood, Mountain Brook, and Shades Mountain were least likely to report being affected by air pollution.[67]

Not surprisingly, residents living in heavily polluted parts of the city and county were more likely to complain about air pollution. According to the Jefferson County Air Pollution Project, more complaints about air pollution came from North Birmingham than from any other part of the county. Out of 202 complaints—the report does specify a time

[67] "Many in Survey Cite Adverse Effects of Air Pollution," *Birmingham News*, June 30, 1965; "Check Made on Effects of Pollution," *Birmingham News*, August 3, 1965; Branscomb et al., "Alabama Respiratory Disease and Air Pollution Study"; Robison, Meadows, and Henderson, "Alabama Respiratory Disease and Air Pollution Study"; Charles B. Robison, J. Carroll Chambers, and Joseph W. Bates, "Defining the Problem of Air Pollution in Metropolitan Birmingham, Alabama," *Public Health Reports* 83, no. 12 (December 1968): 1033-44. The results of the various studies conducted by federal and county researchers were not published until 1966 and later, but the investigators discussed several of the findings in 1965.

period—64 involved North Birmingham, where several large industrial operations were located. The industrial neighborhoods of Ensley and Tarrant also were the source of many complaints. Health was the leading concern, followed by property damage.[68]

Though people living near industry had reason to complain, assessing grassroots support for air pollution control is difficult because many of those affected most negatively by dirty air also had an economic motivation not to complain. The men who worked in the iron and steel mills often lived in neighborhoods near the plants. This proximity meant that they and their families suffered most from dirty air. They may not have complained, however, out of fear of losing their jobs. So argued P. H. Whitley, who lived in North Birmingham near the ACIPCO plant. In July 1965, when industry and health officials were disagreeing over what sort of legislation was needed, Whitley wrote to the chairman of the Jefferson County Board of Health:

> We, in this area are vitally interested in, and appreciative of time given, and effort made to minimize air pollution, and sincerely hope that the Board of Health will soon have authority to give us some relief. A large number of people in this area either work for, or have members of their families working for The American Cast Iron Pipe Company and would be reluctant to make a formal protest, but at the same time would be very glad if something was done to lessen the fallout from the cupalos [sic] of this plant.

Having lived in North Birmingham since 1925, Whitley said that the problem of fallout from the ACIPCO plant had worsened, despite claims from the company that it was taking steps to clean up.[69]

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[68] "Air Pollution Reports Point to Northside: North Birmingham Principal Source, Complaints Show," *Birmingham Post-Herald*, June 24, 1966; Robison, Chambers, and Bates, "Defining the Problem of Air Pollution in Metropolitan Birmingham, Alabama." Workers in other places were sometimes reluctant to make public their complaints about air pollution out of fear of losing their jobs. In a dispute over lead emissions from a Montana smelter, an anonymous group identifying themselves as workers wrote the governor urging that he take action. See Katherine G. Aiken, "'Not Long Ago a Smoking Chimney Was a Sign of Prosperity': Corporate and Community Response to Pollution at the Bunker Hill Smelter in Kellogg, Idaho," *Environmental History* 18 (Summer 1994): 67–86. In Birmingham, very few employees of industrial firms complained publicly about air pollution, though their wives sometimes did complain.

The dispute over a proposed air pollution law came to a head at a July 1965 meeting of the Jefferson County delegation to the state legislature. Industry leaders wanted to establish an advisory board to study possible solutions. That board would report back to the board of health two years later. Accusing industry leaders of "delay, delay, delay," Guy Tate, the sanitation head at the health department, said, "We are not talking about a swimming hole, or killing fish, we are talking about your lungs and my lungs....If we don't take some action soon, the federal government is going to step in and take over."[70] Another possibility, according to federal officials visiting Birmingham in 1965, was that the federal government would pull back if local and state officials did not implement an effective air pollution control program. C. D. Yaffe, who was in charge of program and survey grants at the air pollution division of the USPHS, said that Birmingham's two-year grant of $120,000 would most likely not be renewed when it expired in December 1966 if the state did not pass an air pollution law.[71]

Supporters of air pollution control often cited the success of other cities in clearing the air. Pittsburgh was probably the city most often mentioned. This should not come as a surprise given Birmingham's nickname of "Pittsburgh of the South" and the enormous influence of Pittsburgh-based U.S. Steel in Birmingham. Ursula M. Reidy, a resident of the Woodlawn section east of downtown, asked Mayor Boutwell, "Pittsburg [sic], Pa. cleaned their air of filth, so why can't Birmingham?"[72] Pittsburgh's air was not pollution-free, but it was clearer than Birmingham's, thanks in part to a 1949 law that

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[69] P. H. Whitley to Jefferson County Board of Health, July 17, 1965, Alabama Governor Administrative Files,1962-1978, SG022455, Folder 18, Alabama Department of Archives and History (ADAH).
[70] "Air Pollution Bill Discussed," *Birmingham News*, July 20, 1965.
[71] "Air Pollution Here 'Worst:' U.S. Officials Say Controls Needed," *Birmingham Post-Herald*, August 19, 1965.
[72] Ursula M. Reidy to Albert Boutwell, January 11, 1966, file 264.1.9, Albert Burton Boutwell Papers, BPLDAM.

applied to all of Allegheny County. Though not a panacea, the law did motivate many industries to switch to cleaner-burning natural gas or install pollution equipment, as U.S. Steel did at several of its largest plants in the Pittsburgh area. In contrast, as USPHS researchers had reported in 1958, industrial use of coal had increased in Birmingham even as residential and commercial coal burning had declined.[73]

W. W. Stalker, who headed up the Jefferson County Air Pollution Project, also cited Pittsburgh's example. Speaking to the Downtown Action Committee in February 1966, Stalker used Pittsburgh's success to argue that the city could significantly improve air quality within five years in time for the city's centennial in 1971. In order for this to happen, however, there was no time to waste, he said.[74] Later in 1966 the *News* sent a reporter to Pittsburgh to cover that city's success in cleaning up the air. In an editorial responding to the reporter's dispatch from Pittsburgh, the *News* wrote,

> What Birmingham's got, Pittsburgh used to have. Wheezes and coughs and polluted air. Pittsburgh found it couldn't afford pollution. A multitude of Birmingham and Jefferson County residents feel the same about conditions here at home.

The portrait of clean skies in Pittsburgh was a bit rosy, and the reporter did note that despite a reduction in smoke, Pittsburgh continued to have problems with invisible pollutants. Still, there is no denying that air pollution control was further along in Pittsburgh than in Birmingham.[75]

Regardless of the provisions of the Clean Air Act of 1963 that left state and local governments in charge of air pollution control, Washington did not take a hands-off

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[73] Sherie R. Mershon and Joel A. Tarr, "Strategies for Clean Air: The Pittsburgh and Allegheny County Smoke Control Movements, 1940–1960," in *Devastation and Renewal: An Environmental History of Pittsburgh and its Region* (Pittsburgh: University of Pittsburgh Press, 2003), 145–73.
[74] "Air Pollution Costing City Millions a Year, City Told," *Birmingham News*, February 23, 1966.
[75] "Met Problem--Pittsburgh Decided She Was Smoking Too Much...," *Birmingham News*, September 18, 1966; "Birmingham and Pittsburgh," *Birmingham News*, September 18, 1966 (quotation).

approach to Birmingham's air pollution problem—far from it. Besides suggesting that the state risked losing federal funds if it did not enact air pollution control legislation for the Birmingham area, federal officials at times openly lobbied for such legislation. George W. Walsh, the director of the air pollution division at the USPHS's Robert A. Taft Sanitary Engineering Center in Cincinnati, did just that on a visit to Birmingham in March of 1966. Walsh was in town to conduct a one-day course on air pollution, which was open to the public. Industry had been pushing for more study of air pollution in Birmingham, but Walsh said that much of the city's problem could be solved without any more research into the causes of pollution. He said that "clearly visible sources" were responsible for much of the air pollution in Birmingham. He did not directly blame industry, but the implication was clear.[76]

After air pollution control legislation failed to get off the ground in 1965, advocates of pollution control tried again in 1966. Representative Malcolm Bethea, a Birmingham Republican, planned to introduce a series of bills that attempted to satisfy both the public health and industrial sectors. The main bill would have established a five-person air pollution control commission. Two of the members would represent the Jefferson County Board of Health, with the county health officer serving as the commission's chairman. The Associated Industries of Alabama, the trade group for industry, would appoint two members. The fifth member would be selected by the four members of the commission. Under the proposed bill, the commission would be responsible for setting air pollution standards for the county, and the health department would enforce them. Under certain circumstances, polluting businesses could be granted

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[76] "Air Pollution Control Urged at Program," *Birmingham Post-Herald*, March 31, 1966; "Air Pollution Course Scheduled Here Today," *Birmingham Post-Herald*, March 30, 1966; "Pollution Control Ties Sought," *Birmingham News*, March 31, 1966 (quotation).

extensions on compliance due to economic concerns, but such postponements would not exceed five years unless successfully appealed. Bethea also planned to introduce two bills that provided certain tax exemptions for companies that purchased pollution-reduction equipment. Bethea intended to introduce all of the bills in a special session of the legislature that was expected to be held later in 1966.[77]

Discussing his proposed air pollution bills, Rep. Bethea said that the state must act to prevent federal action: "I think it would be far better for us to pass an air pollution bill tailored to the needs of this county rather than to wait until the Federal government rams a much harsher bill down our throats."[78] Bethea stressed that his proposal was not anti-industry. He noted that he had a sent a letter to the Associated Industries of Alabama but had received no reply. Taking the lack of response as a sign of approval, Bethea described the bill as "very, very carefully drawn to protect the people and industry of the county."[79]

In the end Bethea's proposal went nowhere that year. During a special legislative session, the majority of Jefferson County representatives voted to send the air pollution bills to a subcommittee, effectively killing the bills for the term.[80] The House Committee on Health delayed a vote on two air pollution bills, including the one sponsored by Bethea that would have set up a county-wide board to regulate and enforce. The other, sponsored by another Birmingham-area representative, Richard Dominick, would have

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[77] "Air Pollution Control Urged at Program"; "Clean Our Dirty Air," *Birmingham Post-Herald*, April 2, 1966; "Pollution Control Ties Sought."

[78] "Bethea Plans Air Pollution Crackdown," *Birmingham News*, June 29, 1966.

[79] "Air Pollution Curbs Urged for Jeffco," *Birmingham News*, July 26, 1966.

[80] There was growing popular support for air pollution control in Jefferson County, making a vote for a state law a seemingly logical position for Jefferson County legislators. However, these legislators depended heavily on corporate funding for their election campaigns and usually voted in the interests of local industry. See Jeff Frederick, *Stand up for Alabama: Governor George Wallace* (Tuscaloosa: University of Alabama Press, 2007), 239–40.

established a state air pollution commission under the Alabama Health Department. The decision to delay was made in a closed session after industry officials, in a public hearing, asked to delay action until the 1967 regular session. Industry claimed to be planning to submit a bill in the regular session. The next session promised to be a busy one in terms of air pollution. The state health officer, Ira Myers, said that the Alabama Board of Health also was planning to introduce statewide air pollution legislation. Myers said he did not support local legislation because air pollution problems were not limited to a single county. In the end, legislators during the special session passed a resolution providing $7,500 to study air pollution laws. The goal of the study was to recommend a law to be introduced during the 1967 session.[81]

By the mid-1960s the era of exclusively local action on air pollution had ended, but the shift toward federally mandated regulation of air quality was still in the early stages. During the first half of the twentieth century, attempts to clear the air in Birmingham focused on the municipal level. The 1913 and 1945 smoke ordinances were city laws directed at smoke producers located within the city limits. In the late 1940s, there was some talk of taking action on the state level, but nothing happened. It was not until the 1960s that state legislation to deal with air pollution became a serious possibility. The bills proposed in 1965 and 1966 would have involved state government, but they were still locally focused. The attempt that never got off the ground in 1965, and the Bethea bills in 1966 intended to establish an air pollution control program for Jefferson County, not the entire state. During its 1967 and 1969 regular sessions, legislators made several attempts to establish a statewide air pollution control program,

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[81] "Action Deferred: Air Pollution Measure's Chances Slim," *Birmingham News*, August 3, 1966; "Air Pollution Bill Is Held Up," *Birmingham News*, August 11, 1966; "Air Pollution Study Goes to Governor," *Birmingham Post-Herald*, August 17, 1966.

culminating with the passage of a deeply flawed state law in 1969. Just two years later, that law would be replaced with another state law that met federal standards.

Though residents of Birmingham and other parts of Alabama—elected officials, health officers, and ordinary citizens—played active parts in the struggle over air quality in Birmingham, it is difficult to overestimate the influence of the federal government. From the mid-1950s onward, Washington gradually increased its involvement, going from providing some funding and technical expertise to providing significant money to establish the area's first professional air pollution program. This was not a story unique to Birmingham, as federal involvement in air pollution began in earnest in the early 1950s and gradually increased in scope. Birmingham's air pollution history would soon distinguish itself, however, as powerful industrial interests succeeded in getting legislators to pass a 1969 state law that did not meet federal standards. But in the end, the federal government would prevail, cutting off air pollution funds to the state until it passed an adequate law. Though the federal government was the most powerful actor in this drama, residents of Birmingham were not simply observers. And though industry wielded considerable influence in Alabama in the late 1960s and early 1970s, a small but determined grassroots movement emerged to push for stronger air pollution control. On their own, these activists had a difficult time countering the influence of industry, but grassroots organizers would prove very crafty in using their own best weapon—the support and influence of the federal government.

Chapter 4

From Cooperation to Confrontation over a State Air Pollution Law

Tensions were high in Montgomery during the spring and summer of 1969 as the state legislature considered two competing air pollution bills. One bill had little vocal support from the public, but it was backed by U.S. Steel and other powerful industrial interests. This bill was "a reasonable and practical compromise of the many ideas on air pollution," according to one of its proponents.[1] The other bill was supported by many physicians, public health officials, conservation and environmental groups, and grassroots campaigners who argued that "air pollution is rapidly becoming not only a menace to the health and welfare of the people of Alabama but to civilization itself."[2] Some in Alabama questioned whether state government was even capable of dealing with the state's air pollution problem. One resident of a heavily polluted North Birmingham neighborhood asked, "Does anybody really believe that the State Legislature will pass an effective anti-pollution law? That the Feds will not eventually have to come in and, once again, drag Alabama into the 20th century to the tune of weeping and gnashing of teeth?"[3]

Though the North Birmingham resident's prediction soon came true—Washington exerted significant pressure on Alabama after the legislature passed an air pollution law that failed to meet federal standards—in the first few months of 1969 Alabama's governor could reasonably believe that he might avoid having to make a decision that would alienate either industry or grassroots campaigners. In 1967 citizens'

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[1] Bill Bond to Albert P. Brewer, July 15, 1969, Alabama Governor Legislative Tracking Files, 1955-1979,SG023188, Folder 10, Alabama Department of Archives and History (ADAH).
[2] Paul L. Clem to Albert P. Brewer, July 23, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, Folder 11, ADAH.
[3] M. D. Jeter, "Fabulous Awards," *Birmingham Post-Herald*, May 20, 1969.

complaints had helped derail another industry-backed air pollution bill, but in 1968 and early 1969 it was not a foregone conclusion that industrial interests and grassroots activists could not reach an agreement on a state air pollution law. Though many citizens remained skeptical of industry, a Birmingham physician attempted to bridge the divide between industrial leaders and health and citizen groups during 1968 and early 1969. Eventually the Birmingham physician, A. H. Russakoff, would emerge as a vocal opponent of the industry-supported bill, but for a brief period there was a fragile consensus that Alabama could come up with an air pollution law that would prove somewhat satisfactory to most interested parties. What seemed to motivate the parties involved in the negotiations of 1968 and early 1969 was the recognition that Alabama had to enact some sort of air pollution law to receive federal funding and to prevent the federal government from taking a direct enforcement role. The one thing that most everyone involved seemed to agree on was a desire to limit Washington's involvement.[4]

The air pollution law that passed in 1969 had its roots in the 1967 legislative session. After succeeding in delaying the passage of air pollution legislation in 1965 and 1966, industry leaders and their allies made a strong push for a statewide air pollution law in 1967. Supporters of the 1967 bill claimed that it would allow all interested parties—industry, health officials, and the public—to have a say in the enactment and enforcement

[4] By the time negotiations over a state air pollution control began after the failure of the legislature to pass a law in 1967, the federal Air Quality Act of 1967 had been enacted. This law directed the National Air Pollution Control Administration to establish maximum standards for individual air pollutants based on their effect on human health. Once these federal standards were developed, states were expected to draw up plans for meeting them. Though it would not be until 1970 that amendments to the Clean Air Act gave enforcement powers to federal regulators, Alabamians involved in air pollution politics in 1968 and 1969 were well aware that federal funding for air pollution control depended on meeting federal standards. See Richard H. Vietor, "The Evolution of Public Environmental Policy: The Case of 'No Significant Deterioration,'" in *Out of the Woods: Essays in Environmental History*, ed. Char Miller and Hal Rothman (Pittsburgh: University of Pittsburgh Press, 1997), 127–43; Michael E. Kraft, "U.S. Environmental Policy and Politics: From the 1960s to the 1990s," *Journal of Policy History* 12 (2000): 17–42.

of air pollution regulations in Alabama. Opponents, who included most grassroots activists and many, but not all, health officials, derided the proposal as a giveaway to industry that would prevent local areas from enacting strong air pollution controls.

In preparing the 1967 air pollution bill, a legislative committee held public hearings in several cities, including Birmingham, in early 1967. The hearings had emerged out of the 1966 legislative debate over air pollution, when industry had pushed for more time to study the air pollution problem.[5] The Birmingham hearing, held in early February, attracted a variety of participants, including religious leaders, industrial operators, health officials, and ordinary citizens.

Many of the arguments brought up at the Birmingham hearing were familiar ones. For example, a group of residents from Green Acres, a white working-class neighborhood of Birmingham, reported that they had organized a petition campaign against a cement plant in their neighborhood to no avail three years before. The residents noted that the manager of the plant used to live in the neighborhood but had since moved to a less polluted part of town. Other speakers at the hearings raised concerns about stricter air pollution control. Several small industrialists objected to the costs of reducing industrial emissions. One argued that it was not industry but automobiles that were to blame for most of Birmingham's air pollution, a contention that a federal health official at the hearing disputed.[6]

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[5] "Committee Will Report: Action May Result from Hearings Here on Air Pollution," *Birmingham News*, February 1, 1967.

[6] "Pollution Problems Aired at Final Hearing," *Birmingham Post-Herald*, February 4, 1967; A 1965 report indicated that automobile exhaust did contribute to air pollution in Birmingham. However, researchers who studied Birmingham's air in the 1960s and early 1970s consistently reported that automobiles were responsible for only a very small percentage of particulate pollution, which was Birmingham's biggest pollution problem. By the 1960s, industry produced the vast majority of particulate emissions in the Birmingham area. See Robert M. Brice and John H. Ludwig, "The Distribution of Vehicular Air Pollution in the United States" (presented at the Annual Meeting of the Air Pollution Control Association, Toronto,

Several citizens said that their faith motivated them to clean up Birmingham's air. Referring to man's God-given dominion over the earth, Episcopal bishop George M. Murray said, "We have no right to live as if there were no other people on earth....We must not selfishly pollute the air." A representative of the Diocesan Council of Catholic Women noted that the federal government would likely intervene if Alabama did not regulate air pollution on its own. Finally, a priest from the Catholic St. Paul's Co-Cathedral related how shocked he had been by the "black soot" that he discovered on his car and furniture after moving to Birmingham from Florida in 1956. "The problem needs to be remedied in order to have a city that attracts people. The ball is rolling. The problem can be solved."[7] Though religion was by no means the main argument cited by supporters of air pollution control in Alabama, a significant number of Alabama citizens expressed the belief that humans had a religious duty to protect the environment in the late 1960s and early 1970s.[8]

Local newspapers not only reported on the air pollution hearings but also published articles that stressed the need to clean up Birmingham's air. Typical was a series called "The Dirty Air You Breathe," which ran in the *News* during early 1967. In one installment of the series, the reporter described the everyday impact of air pollution on a variety of area residents: the Fairfield resident who had to replace his roof often, the man in Green Acres who had to wash his car almost every day, the North Birmingham

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Canada, June 1965); and Charles B. Robison, J. Carroll Chambers, and Joseph W. Bates, "Defining the Problem of Air Pollution in Metropolitan Birmingham, Alabama," *Public Health Reports* 83 (December 1968): 1033-44.

[7] "Residents Tell Air Problems to Legislators," *Birmingham Post-Herald*, February 3, 1967.

[8] The relationship between religion and environmentalism is an under-studied topic. Despite claims by some that Judeo-Christian beliefs about the relationship between humans and the environment are to blame for environmental degradation in the West, Mark Stoll and others have argued that Christianity's influence on environmental thinking is much more complicated. See Lynn White Jr., "The Historical Roots of Our Ecologic Crisis," *Science* 155 (March 10, 1967): 1203–7; Mark Stoll, *Protestantism, Capitalism, and Nature in America* (Albuquerque: University of New Mexico Press, 1997).

housewife who was perpetually dusting her furniture, the downtown shopper whose eyes burned, and "[t]he tourist who knows he's hit the outskirts of Birmingham by the smell, the blocked visibility, the difficulty he has breathing."[9]

Though industrial interests had different goals than most citizens who complained about air pollution, they also wanted the state legislature, not local governments, to take action on air pollution. The largest industrial operation in the Birmingham area, U.S. Steel, publicly supported air pollution legislation. Earl Mallick, the vice-president of U.S. Steel's southern operations, said in March 1967 that industry favored "appropriate" air pollution control legislation that would lead to "effective and equitable control." He pointed out that the state had recently passed a water pollution control law and that U.S. Steel had already made improvements in pollution control. Mallick encouraged the state to rely on carrots rather than sticks in getting industry to reduce emissions. Some of the carrots he suggested were tax credits and tax exemptions to encourage industry to install air pollution control equipment.[10]

During the 1967 legislative session lawmakers considered two air pollution bills, one pushed by industry and the other by the Alabama Department of Health and other public health officials. The key point of disagreement was the composition of the board that would enforce air pollution rules. Under the industry-backed bill, enforcement power

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[9] "Pollution Taking Over City's Skies," *Birmingham News*, February 5, 1967.

[10] "Mallick Foresees Air Cleanup Act This Year; Says State Industry Favors It," *Birmingham News*, March 28, 1967. The U.S. steel industry was in the midst of a significant decline as it struggled with the emerging federal environmental regulatory program. For a discussion of the industry's decline see chapter 1 in Judith Stein, *Running Steel, Running America: Race, Economic Policy, and the Decline of Liberalism* (Chapel Hill: University of North Carolina Press, 1998); and chapter three in William Scheuerman, *The Steel Crisis: The Economics and Politics of a Declining Industry* (New York: Praeger, 1986). Unlike steel producers in Germany and other countries, the U.S. steel industry had invested heavily in open-hearth type furnaces like the ones at its Birmingham operations rather than so-called basic oxygen furnaces, which produced less pollution. The company began switching to basic oxygen furnaces in the 1960s, making it reluctant to retrofit existing open-hearth furnaces. See John P. Hoerr, *And the Wolf Finally Came: The Decline of the American Steel Industry* (Pittsburgh: University of Pittsburgh Press, 1988), 97–98.

would reside in a nine-member panel. Three members would come from industry, three from the state government, and three from the public. Under the plan backed by public health advocates, the state board of health, known as the Board of Censors and composed of physicians led by the state health officer, would have enforcement power, though the bill would have established an advisory board with representatives of industry and business. The health department plan did not specify a time for cleaning up air pollution but said it should be "reasonable." The industry-backed ordinance would provide a 10-year period to correct air pollution violations.[11]

In July 1967 the industry-backed plan gained the approval of the legislative committee on air pollution. This was the joint House and Senate committee that had been established during the 1966 special session of the legislature. Besides holding public hearings in Birmingham, Huntsville, Gadsden, and Mobile, the committee also traveled to Pittsburgh and Chicago to study air pollution control programs. Though health officials and regular citizens had outnumbered industry representatives at the hearings, the committee's findings provided a thorough summary of the industry point of view on air pollution control.[12]

In its recommendations, the committee concluded that Alabama did have an air pollution problem but described "conflicting testimony as to the extent and nature of the problem, as well as to the sources of air pollution in our State." Referring most likely to Birmingham, the committee wrote, "We have heard charges that certain areas of our state are among the most polluted in the nation, but we have also heard those charges

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[11] "Committee Studies Who'll Regulate It: Around and Around, Bad Air Goes," *Birmingham News*, June 22, 1967. The Board of Censors is the governing body of the Medical Association of the State of Alabama, the statewide physicians' organization. The Board of Censors serves as the state board of health.

[12] *Report to the Legislature of the State of Alabama by the Legislative Committee on Air Pollution*, July 1967, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 17, ADAH.

challenged." The committee also gave equal weight to industry and those who blamed industry: "We have heard charges that industry is primarily responsible for the air pollution problem in our state, but industrial representatives have taken issue with those charges by pointing to the broad scope of the problem." Despite health officials' statements that industry was the primary source of air pollution in Birmingham, the committee cited federal statistics showing that cars, trucks, and buses produced most air pollution in the nation. Regardless of the source of air pollution, the committee was "encouraged...by the fact that industry itself – even though it does not feel primarily responsible for pollution – is taking the lead in an effort to bring about the passage of air pollution control legislation." The committee saw no need to rush the process of solving the air pollution problem: "We also feel that even though a problem does exist, we do not have a crisis as some have claimed. We can allow ourselves adequate time in which to go about the job of controlling air pollution in a reasonable and effective manner."[13]

Advocates of air pollution control were not impressed with the proposed legislation. Typical was a *News* editorial in July 1967. The paper pointed out that the governor had the power to appoint six of the nine members of the proposed air pollution control board and that the board was budgeted just $50,000 a year for the next two years:

> The present bill has a pretty face. Whether there's anything behind it will have to be proved. Otherwise, the demand for clean air will revert to another long drawn out cat-and-dog affair which has marked the battle over water pollution in Alabama for many years. The public is entitled to something better than that.[14]

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[13] Ibid.; Scott Dewey has described "industrialists' favored trick of delay through endless research." Dewey argues that despite the widespread belief that automobiles were the major source of Los Angeles's smog in the 1950s, the automobile industry repeatedly called for additional research to pinpoint "precisely the nature of the automotive contribution." What happened in Alabama was similar, in that industry-allied legislators called for more research, yet it was slightly different in that they also tried to shift the blame away from heavy industry to automobiles. See Scott Hamilton Dewey, *Don't Breathe the Air: Air Pollution and U.S. Environmental Politics, 1945-1970* (College Station: Texas A&M University Press, 2000), 60.

[14] "The Pollution Bill," *Birmingham News*, July 23, 1967.

Several weeks later, the *News* concluded that its first impression of the proposed bill was accurate:

> There appears to be little doubt that under the present bill, a statewide air pollution control program could not be effectively administered, it would not be adequately funded, and it would be encumbered with too many loopholes for those desiring to stall for time. In short, the present bill just won't do the job.[15]

Health officials in Jefferson County also swiftly announced their opposition to the proposed bill. Donald Sweeney, the president of the Jefferson County Medical Society, the local physicians' organization, said the bill would put air pollution control in the hands of people "with very biased, very vested interests." Sweeney conceded that health officials should not have total control over air pollution control, and he acknowledged the need to have representation from industry. But he complained that "the proposed bill gives the Health Department such a minor role to play." In response to the proposed legislation, the Jefferson County Board of Health held a special session to condemn the bill. Dr. Geoffrey Roscoe, chair of the county board of health, predicted that some parts of the state would experience a decline in air quality if the bill were passed. He noted that the bill would nullify existing local air pollution control laws, such as those enacted in Huntsville several years before. Sweeney, the medical society leader, urged swift action: "We must have a bill, because the federal government will come in and do this for us if we don't do it."[16]

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[15] "Of Doubtful Value," *Birmingham News*, August 14, 1967.

[16] "Control with 'Vested Interests': Health Officer Blasts Pollution Bill," *Birmingham News*, July 30, 1967; Physicians played a similar role in opposing industry-backed air pollution legislation in Montana during the 1960s. See Kenneth E. Melichar, "The Making of the 1967 Montana Clean Air Act: A Struggle Over the Ownership of Definitions of Air Pollution," *Sociological Perspectives* 30 (January 1987): 49–70.

Supporters of the bill maintained that failure to pass it would only delay the cleanup of Alabama's air. Opponents countered that no law would be better than a bad law. Earl Mallick, the U.S. Steel executive who was also the president of the industry group Associated Industries of Alabama (AIA), charged health officials who opposed the bill of "negativism and short-sightedness." He warned that Alabama could be without air pollution control for two years if the industry-backed bill did not pass. "It should be better than nothing even through the eyes of health officials," Mallick said.[17] To some local officials, however, the proposed state legislation represented a step backward in that state rules would pre-empt existing local air pollution regulations. The chairman of the Huntsville air pollution control board, which had been created in 1964, telegrammed his disapproval to George Wallace, whose wife, Lurleen, was governor at the time. Noting recent improvements in air quality in Huntsville, William T. Hill informed George Wallace that local government and businesses in Huntsville had spent "[h]undreds of thousands of dollars" on air pollution control. Objecting to the pre-emption clause of the pollution bill, Hill wrote, "We urge that any state action on this matter be so drawn as to provide the maximum local control consistent with the interest of the state at large."[18]

When the air pollution bill did not pass during the 1967 legislative session, industry supporters of the plan placed the blame squarely on health officials. U.S. Steel's Mallick and others accused health officials of waging a turf war over air pollution control. According to Mallick, "apparently, health officials opposed the bill primarily on the grounds that it did not give them complete control of air pollution abatement

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[17] "Mallick Urges Passage of Air Pollution Bill," *Birmingham News*, August 15, 1967.
[18] William T. Hill to George Wallace, August 23, 1967, Alabama Governor Administrative Files, 1962-1978, SG022438, Folder 14, ADAH.

measures."[19] If state health officials were fighting a turf war, they won in the short term. It was a limited victory, however. In the absence of a statewide air pollution law, the state board of health, officially known as the Board of Censors of the Medical Association of the State of Alabama but usually referred to as the board of health, was the state agency in charge of air pollution control. Under the Clean Air Act amended by Congress in 1966, each state had to designate an "official State air pollution control agency." After the legislature failed to pass an air pollution law, Gov. Lurleen Wallace informed the National Center for Air Pollution Control that the state board of health would continue to be the contact agency for federal air pollution officials. What she did not mention was that as head of the state board of health, the state health officer had little power to enforce air pollution control in Alabama.[20] State officials increasingly became aware that if Alabama did not implement air pollution control on its own, the federal government would step in. In a November 1967 letter, the secretary of the Department of Health, Education, and Welfare said as much, informing Gov. Lurleen Wallace that if state standards were not established or did not meet federal standards of the Air Quality Act, then the federal government was "empowered to initiate further action; in this event, States, local governments, industries, and the public would have an opportunity to participate in the development of appropriate standards."[21]

After the air pollution bill died in the legislature in 1967, representatives of industry and public health continued to advocate for what they believed was the

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[19] "Health Officials Fought Air Pollution Bill, Says AIA Chief," *Birmingham News*, September 13, 1967.
[20] John T. Middleton to Lurleen B. Wallace, September 12, 1967, Alabama Governor Administrative Files, 1962-1978, SG022438, Folder 14, ADAH; Lurleen B. Wallace to John T. Middleton, October 4, 1967, Alabama Governor Administrative Files,1962-1978, SG022438, Folder 14, ADAH.
[21] John W. Gardner to Lurleen B. Wallace, November 22, 1967, Alabama Governor Administrative Files, 1962-1978, SG022455, Folder 17, ADAH.

appropriate way to control air pollution. Neither side denied a problem existed, but there was little agreement on how to go about solving it. Health officials continued to maintain that industry was responsible for most of the air pollution in Birmingham.[22] They had science on their side. In June 1967 the Jefferson County Air Pollution Project issued a report indicating that industry was by far the largest source of particulate pollution in the Birmingham area.[23] Industry leaders, including the head of U.S. Steel, claimed that they wanted to improve air quality in Birmingham, but they often cited technical difficulties and the high cost of air pollution control equipment.[24]

It was after the failure of the industry-backed bill in the 1967 legislative session that proponents of air pollution control in Jefferson County began a coordinated campaign to achieve their goals. In the years since the local smoke abatement movement had succeeded in getting the 1945 smoke ordinance passed, the Birmingham area had not seen a coordinated grassroots campaign to improve the quality of the city's air. Over the years, city officials, newspapers, and private citizens had complained about air quality and pushed for stronger enforcement of the smoke ordinance. In the late 1950s and early 1960s, officials in the county health department had studied the issue and called for air pollution control. But it was not until faced with the power of industry at the state level that local proponents of air pollution control initiated a sustained campaign for a state air pollution law. Eventually, a grassroots group led by students at the University of Alabama at Birmingham would take a leading role in the push for strong air pollution

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[22] "County Air Pollution 75% Industry-Caused," *Birmingham Post-Herald*, November 2, 1967.
[23] Marius J. Gedgaudas, *An Emission Inventory for Jefferson County (Birmingham), Alabama* (Washington, D.C.: U.S. Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Service, National Air Pollution Control Administration, Abatement Program, 1968). This 1968 federal publication includes the full text of the June 1967 Jefferson County Air Pollution Control Project report.
[24] "Reassuring Statement: Industry Works Toward Cleaning Up Air, Water," *Birmingham Post-Herald*, November 10, 1967.

control. But between the defeat of the industry-supported bill in 1967 and the passage of a similar one in 1969, the major force pushing for air pollution control was the Jefferson County Medical Society. A. H. Russakoff, who became chairman of the society's air pollution committee in the spring of 1967, was the de facto leader of this effort.[25]

Russakoff displayed an intense passion for the issue, one that at times met with opposition from members of his own medical society. In the months after the failure of the Torbert bill in the 1967 legislative session, however, the medical society supported the push for a strong air pollution law.[26] In a letter to the editor, the group's air pollution committee praised the *News* for its support of air pollution control. The committee chided industry, particularly U.S. Steel's Mallick, for suggesting that health officials were not acting on behalf of the public when they opposed the Torbert bill: "We were convinced that the air pollution bill which was defeated during the recent legislative session was inadequate. For that reason we did not support it. Are we then to be criticized for protecting the public interest?"[27] Mallick took offense at the committee's letter. He said he considered air pollution to be more than a health matter, which justified industry representation on the control board. "I am convinced that the air pollution bill would have passed had it not been for the opposition of public health representatives, and although I

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[25] Donald B. Sweeney to A. H. Russakoff, April 26, 1967, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM.

[26] Russakoff and other physicians and health professionals led the clean-air movement in Alabama in the late 1960s and early 1970s. How typical this involvement was is difficult to determine because, as Christopher Sellers has noted, few scholars of medicine and public health have turned an eye toward air pollution while few historians of air pollution have paid much attention to the role of medical professionals. See Christopher Sellers, "The Dearth of the Clinic: Lead, Air, and Agency in Twentieth-Century America," *Journal of the History of Medicine and Allied Sciences* 58 (July 2003): 255–91.

[27] A. H. Russakoff et al., "Letter to editor," November 30, 1967, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

realize they disagree, I feel that Alabama would have been better off with this law rather than none at all."[28]

Russakoff would emerge as a fierce critic of industry, particularly of Mallick at U.S. Steel, but their relationship was not always so contentious. After the failure to pass a state air pollution law in 1967, Russakoff helped organize meetings between representatives from AIA, the state industrial association, including Mallick, and health experts. After one such meeting, in late January 1968, Russakoff informed Donald B. Sweeney, the medical society's president, "that we had an excellent working session. I anticipate that real progress in breaking the impasse has been made."[29] Russakoff seemed to play a role of mediator between industry and other health officials. Referring to the January 1968 meeting, Russakoff reported to Ira L. Myers, the state health officer, that the small group of industry and health representatives had agreed on several aspects of an air pollution control program:

> We were all in agreement that the State Health Department and its affiliates would be the 'policemen' for the Air Pollution Program. We now took up the question of a Commission. These two men [representing industry at the meeting] asked that three members of a nine-man board be a representative of industry. We agreed that the State health Officer would be the Chairman of this Commission and that there be two more physicians on this Commission. Both were to be on the State Board of Health. One person would be an appointee of the Governor but was not to represent industry or the medical profession. The remaining two people on this Commission were to be the Deans of the Engineering Schools or their designees from the University of Alabama and Auburn University. We were to take these proposals to our individual groups for 'ratification.' My group has already expressed itself favorably. Mr. Mallick indicated that he would communicate with me after I had notified him that the

[28] Earl W. Mallick, "Voice of the People: Industry's Answer," *Birmingham News*, December 6, 1967.
[29] A. H. Russakoff to Donald B. Sweeney, January 26, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM.

> Jefferson County Air Pollution Committee had taken favorable action on these proposals.[30]

Myers was receptive to the informal proposal: "The proposal you have outlined in your letter regarding the composition of the commission is certainly agreeable with us and we are also agreeable to serving as the 'policeman' for the program."[31]

Representatives of industry and public health remained cooperative into March 1968. Ira Myers told Russakoff that U.S. Steel's Mallick claimed to be "optimistic about the progress made in his discussions" with Russakoff and the Jefferson County health officer, George Denison. Myers said Mallick had assured him that "a draft of a proposal would be made in an attempt to get down in writing some material for discussion."[32] Russakoff expressed similar optimism before an April meeting in Birmingham to which Mallick invited Myers, Russakoff, Denison, Torbert, and others.[33] He told the president of the Jefferson County Medical Society that "[i]t now appears that there has been a good meeting of the minds involving all parties concerned, the State Board of Health, the County Health Department, Associated Industries of Alabama, our local Committee and interested, responsible people in the State Legislature." He expected that the April meeting would pave the way for an air pollution bill to be passed in the next legislative

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[30] A. H. Russakoff to Ira L. Myers, January 31, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM; A. H. Russakoff personified the evolution of the clean air movement described by Frank Uekoetter. Russakoff believed that cooperation with industry was the best strategy at first, but he soon became disillusioned and adopted an extremely confrontational stance toward industry. See Frank Uekoetter, *The Age of Smoke: Environmental Policy in Germany and the United States, 1880–1970* (Pittsburgh: University of Pittsburgh Press, 2009), 208–46.

[31] Ira L. Myers to A. H. Russakoff, February 2, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[32] Ira L. Myers to A. H. Russakoff, March 7, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[33] Earl W. Mallick to Whitfield King Jr., March 14, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM.

session.[34] Minutes of the April meeting do not survive, but Russakoff expressed satisfaction with the results in a letter to Mallick. A follow-up meeting was scheduled for May.[35]

Health and industry representatives worked together throughout 1968 and into 1969, but a rift gradually developed between industry and state health officials on one side and local health officials and grassroots activists on the other. One of the early signs that the spirit of cooperation between industry, represented by Mallick at U.S. Steel, and grassroots activists, represented by Russakoff, had begun to deteriorate occurred after the spring 1968 meetings at which the proposed air pollution bill had been drafted. Despite participating in at least some of the meetings, Russakoff was left out of the loop in the legislative process. He wrote Myers several times in 1968 for progress reports. In September 1968, for example, he asked Myers for an update because he had not heard from Mallick in two months.[36]

Despite Russakoff's exclusion from some of the discussions about air pollution control, as of September 1968 he remained optimistic about the ability to forge a compromise between health and industry. On the same day that he told Myers that he had not heard from Mallick in months, Russakoff reported to the president of the county medical society that meetings between his air pollution committee, state and local health officials, and industry representatives had resulted in "a meeting of the minds and some real progress." After the proposal was reviewed by the attorney general's office,

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[34] A. H. Russakoff to H. H. Henderson Jr., March 19, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM.
[35] A. H. Russakoff to Earl W. Mallick, April 12, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM.
[36] A. H. Russakoff to Ira L. Myers, June 18, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM; A. H. Russakoff to Ira L. Myers, September 16, 1968, file 1278.2.2, A. H. Russakoff Air Pollution Files, BPLDAM.

Russakoff said he expected the group would meet again to agree on a final bill to be introduced in the 1969 legislative session.[37]

The health-industry group met again in Birmingham in early December and reached consensus on many issues. Though word of the closed-door meetings had leaked out to some extent, at this point in the process, participants tried to keep the discussions confidential while negotiations were ongoing. About a week after the meeting, Russakoff wrote participants to summarize the key areas that remained to be worked out. According to Russakoff, the two issues that still needed to be settled were the composition of the enforcement authority and the grandfather clause. The enforcement authority was the less controversial item. Though the state senator who had sponsored the failed 1967 bill, C. C. "Bo" Torbert, sought minor changes in the composition of the proposed air pollution control board, most members accepted the proposal approved by the state board of health. At its September meeting, the board, whose members were all physicians, had recommended a nine-member panel consisting of three representatives from industry (selected by the governor from six nominees), three physicians (selected by the governor from six physicians nominated by the state public health board), two engineering professors (one each appointed by the presidents of the University of Alabama and Auburn University), and one member appointed by the Alabama Association of County Commissioners.[38]

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[37] A. H. Russakoff to Hiliary H. Henderson, September 16, 1968, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[38] "Minutes of the Meeting of the State Board of Censors, September 18, 1968," September 18, 1968, Alabama Department of Public Health, Meeting Agendas and Minutes, 1964–1968, SG12088, ADAH; Earl W. Mallick to C. C. Torbert Jr. et al., November 18, 1968, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM; Letter from A. H. Russakoff, December 17, 1968, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

Consensus on the so-called grandfather clause was more difficult to achieve. The original proposal called for a seven-year grace period for cleaning up air pollution violations. Russakoff told the participants in the negotiations,

> There are those who have had unofficial contact with Washington who indicates [sic] that this period of time is too long. Although it is not the intent of any of us to set up punitive regulations, and although many individuals are disinclined to 'knuckle under' Washington, we must not lose site [sic] of the fact that the administration of this program is contingent upon procuring Federal matching funds. Thus if Washington disapproves of this stipulation as it now stands we jeopardize the availability of these monies.[39]

The 1968–69 push for a state air pollution law was, of course, driven in part by federal pressure, so it was not surprising that the state health board decided at its December 1968 meeting to seek federal review of the proposed legislation. Myers, the state health officer, contacted the Atlanta office of the National Air Pollution Control Administration to find out the standards a state air pollution law must meet to qualify for federal funding. In reply, Gene B. Welsh, the head of the Atlanta office, said that "[i]t is almost impossible to specifically outline the minimum requirements of a State air pollution control law that would be eligible for Federal grant support." Welsh did provide a few tips, including that the federal government frowned on state legislation that "provides an extended period of time for compliance." This did not bode well for the long grace period envisioned by industry leaders. Though Welsh provided Myers with only general advice on standards for state legislation, he offered to review the proposed

[39] Letter from A. H. Russakoff, December 17, 1968.

Alabama law. In late December or early January Myers sent the proposed law to Welsh, who in turn had another federal air pollution regulator evaluate it. [40]

Myers's discussions with Welsh ruffled quite a few feathers among those involved in negotiations. When told of the federal contact by Myers, U.S. Steel's Earl Mallick reminded Myers that, at least according to Mallick's memory, the working group had decided not to submit the draft proposal for federal review but instead to seek guidelines. Mallick informed Myers that he thought the seven-year period, the so-called grandfather clause, met federal guidelines:

> The only possible question would appear to be the time period and I don't believe that seven years is 'an extended period of time for compliance,' inasmuch as I have the impression that Federal officials generally recognize that these matters take a number of years to work out.

Mallick was reluctant to make drastic changes to the proposal. He told Myers,

> As you know, we have been engaged in negotiations for almost a year and any substantial changes at this point would create considerable problems for those of us representing industry, inasmuch as the general feeling is that industry has cooperated fully in an effort to arrive at a compromise.[41]

Some people involved in the negotiations were so upset by the state health officer's actions that they threatened to eliminate any role for his agency. According to the minutes of the January 15, 1969, meeting of the state health board, "The action of sending this [the proposed bill] to the Public Health Service for review and comment has drawn considerable criticism from the working committee. Some have expressed interest in moving air pollution completely out of the Health Department."[42]

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[40] Gene B. Welsh to Ira L. Myers, December 19, 1968, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[41] Ira L. Myers to Earl W. Mallick, December 27, 1968, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM; Earl W. Mallick to Ira L. Myers, January 10, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[42] "Minutes of the Meeting of the State Board of Censors, January 15, 1969," January 15, 1969, Alabama Department of Public Health, Meeting Agendas and Minutes, 1967-1970, SG12089, ADAH.

Though they would soon emerge as antagonists, Russakoff shared Mallick's concern over the state health officer's contact with federal air pollution officials. The Birmingham physician chastised Myers for violating what he characterized as a "verbal agreement" made in December 1968.

> I told you that I had a personal contact in Washington whose office was above the Surgeon General and that I was willing to go to Washington at my own expense in order to procure an answer to the knotty question, and without exposing our draft. For reasons which I cannot understand you did not take advantage of this offer, nor did you inform the State Board of Censors that this option was open toyou [sic].

Now that the draft had already been sent to the federal government, Russakoff asked Myers to pass on the federal evaluation of the proposed legislation to all members of the working group before it reconvened. Though Russakoff would later take an adversarial attitude toward industry, at this point he expressed a desire to reach consensus. "I have it on good authority that Governor Brewer is most anxious for us to have a draft prepared for submission to the State Legislature which will serve the public well and which can be endorsed both by the medical profession and representatives of industry."[43]

Myers insisted to Russakoff that he had not ignored his offer to take up the issue with his connection in Washington. As Myers described it, he passed on this information, as well as the working group's desire to keep things confidential, to the state board of health. Yet the board, responding to interest on the part of the governor's office as to whether the proposed bill met federal standards, asked Myers to seek review from the federal Public Health Service.[44]

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[43] A. H. Russakoff to Ira L. Myers, January 24, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[44] Ira L. Myers to A. H. Russakoff, February 17, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

Mallick and Russakoff had good reason to resist federal review, as it uncovered many serious problems with the proposed legislation. In January 1969 Welsh, the head of the Atlanta office of the National Air Pollution Control Administration, sought Washington review of the Dec. 6, 1968, version of the proposed air pollution bill drafted by the industry-and-health working group. In a report sent to Welsh in February 1969, Charles D. Yaffe, the director of the Division of Control, Agency Development, at the National Air Pollution Control Administration in Arlington, Virginia, noted that only four states did not have an air pollution law in effect. "Of these, Alabama is the largest in population and industrial production, and has the most serious air pollution problems." The draft air pollution law had many weaknesses, according to Yaffe:

> The draft submitted to us contains provisions, unfortunately, which would make it extremely difficult if not impossible, to prevent, abate or control air pollution sufficiently to have any impact on air quality in Alabama. Consequently, it is unlikely that the workable program requirements of the grant regulations could be met. The awarding of funds for the support of any program so likely to be ineffectual would be most difficult to justify.

The review listed several problems with the proposed law, including "a greater sense of urgency regarding the protection of business, industry, and commerce than of health and welfare," problems with the definition of air pollution, the powers and composition of the air pollution control commission, and the "abnormally long" grandfather clause.[45]

As the dispute over federal review indicates, federal involvement in Alabama's air pollution was a touchy subject. Pretty much every state official, industrialist, and activist working to establish an air pollution control program in early 1969 stated a desire to keep the federal government from becoming directly involved. State and county officials believed that they were capable of solving pollution problems, though they welcomed

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[45] Charles D. Yaffe to Regional Air Pollution Control Director, Region IV, February 12, 1969, file 1278.2.5, A. H. Russakoff Air Pollution Files, BPLDAM. (all quotations).

federal funding and research, and industrialists felt that they would have more influence on state regulations than on federal ones. Federal officials often said that direct involvement was the last thing they wanted as well. But national officials, driven by various federal pollution laws that had been enacted during the 1960s, continued to move forward with plans to take a greater role in Alabama's air pollution control if necessary.

This federal pressure had been increasing gradually. The passage of the Air Quality Act of 1967 in November of that year had encouraged some state officials to recognize that Alabama had better pass an air pollution control law if it wanted to avoid federal involvement in Alabama's air quality. Ira L. Myers, the state health officer, in early 1968 informed the governor's legal advisor, Hugh Maddox, that the state should act swiftly. Myers noted that the Secretary of Health, Education, and Welfare had written Governor Lurleen Wallace the day after the air quality law was enacted: "It would seem from this action that the Department of Health, Education, and Welfare is intent upon enforcing the provisions of this Act in an aggressive manner." Air pollution control was "inevitable," according to Myers, and all involved parties "had rather see enforcement in the hands of a State Agency instead of a Federal Agency."[46] As early as June 1968 the Department of Health, Education, and Welfare had made it clear that the Birmingham metropolitan area was on the list of the first regions to be subject to the Air Quality Act of 1967.[47]

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[46] Ira L. Myers to Hugh Maddox, January 4, 1968, Alabama Governor Administrative Files, 1962-1978 SG022455, folder 17, ADAH. (all quotations).

[47] "City in First List: Attack Air Pollution by 1970, Federal Law to Tell Alabama," *Birmingham News*, June 20, 1968; "Press Release from HEW," June 20, 1968, file 263.12.11, George C. Seibels Jr. Papers, BPLDAM; "Air Pollution Control," September 11, 1968, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 17, ADAH.

Even if Myers had not contacted them, federal officials were taking steps to establish a federal air pollution control framework in the Birmingham area. Part of that process included a January 15, 1969, meeting in Birmingham held to discuss the establishment of the federal air quality control region. At the meeting, Gene Welsh and other federal officials summarized the federal role in air pollution control in Birmingham. Welsh noted that, under the provisions of the Clean Air Act of 1963, the Department of Health, Education, and Welfare had provided grants to the Jefferson County Health Department. The grants had time limits, and when the state legislature did not pass an air pollution law in 1967, "we had to withdraw our support to Jefferson County Health Department, the State Health Department and the Mobile County Health Department." Welsh explained that the Air Quality Act of 1967 established a system of air quality control regions. By early 1969 the department had designated eleven of the eventually thirty-two air quality control regions. Birmingham was to be twenty-nine on the list. Welsh said the department was in the process of establishing control standards for several pollutants, including particulates and sulfur dioxide. "Once the criteria and control technology data have been published the states...have 90 days to signify in writing to the Department of Health, Education, and Welfare their intent to set standards. They then have 180 days to set the standards and another 180 days to develop plans for implementing them." Welsh provided more details about how the air quality control regions would work and predicted that the Birmingham one would be established in April or May of 1969. He made it clear that the federal government would step in if the state did not take action: "If the state refuses to act, there are procedures by which the federal

government can see that these standards are enforced. The Attorney General of the United States can bring suit against polluters contributing to the problem."[48]

Testimony at the Birmingham hearing revealed that key players in the political and industrial leadership of Alabama were very suspicious of a federal role in air pollution control. In the following exchange with Welsh, Frank House, a state representative from Jefferson County, articulated concerns that federal action would represent an economic threat to the state:

HOUSE: We have to be more cautious than the federal government. We have been living here many years. These industries support us and our families. We can't get air pollution laws by just jumping on the big polluters.

WELSH: I don't think there is anything in the federal law that says you have to jump on the big fellows. The idea is to enforce standards for all sources of air pollution.

HOUSE: I have found that industry here is more interested in air pollution control than most of the public. What I'm looking for is an equitable law.

Another brief exchange demonstrated one of industry's key talking points, that automobiles were a major source of pollution:

GILBERT MOBLEY, executive secretary, Associated Industries of Alabama: What are you going to do about automobiles?

WELSH: Federal law now requires control devices on new automobiles. The matter of controls for used cars is up to the states. If the states don't do something about used cars, it will be 11 or 12 years before all cars have control devices.[49]

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[48] Guy M. Tate Jr. to George C. Seibels Jr., December 20, 1968, file 263.12.11, George C. Seibels Jr. Papers, BPLDAM; Guy M. Tate Jr. to A. H. Russakoff, December 20, 1968, file 1278.2.5, A. H. Russakoff Air Pollution Files, BPLDAM; Guy M. Tate Jr. to A. H. Russakoff, February 6, 1969, file 1278.2.5, A. H. Russakoff Air Pollution Files, BPLDAM. Tate's Feb. 6, 1969, letter to Russakoff includes a digest from the January meeting. The digest summarizes the meeting and includes a partial transcript. Welsh's quotes all come from this digest.

[49] Tate to A. H. Russakoff, February 6, 1969.

This was a key argument of industrial interests during the late 1960s—that automobiles contributed significantly to air pollution.[50] Mobley also expressed resistance to the pace at which the federal government sought air pollution control:

> MOBLEY: We have had a disturbing experience with the federal government in Alabama with respect to water pollution standards which were disapproved by the Secretary of Interior. We thought we had met the requirements of the law. This experience left us with a bad taste in our mouths that may affect our response to the air pollution law. There are problems we have in these matters which are not always understood by others. For instance, the devices for control of air pollution are not always available. We will have an air pollution control law in this state some day, but it won't be this year and, from the way things are going, I don't think it will be next.
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> WELSH: Let me make this clear. This 15-month time-table for the federal program automatically will be activated when Birmingham is officially designated as an air quality control region whether or not the Alabama Legislature adopts an air pollution control law.[51]

As of early 1969, the federal government was increasing its role in air pollution control in Alabama, but it remained an indirect one. As Welsh's testimony made clear, however, Washington would no longer limit its involvement to providing research funding and technical expertise but would be requiring states to set air quality standards.[52]

As 1969 progressed, hopes of a compromise diminished. Signs of growing tension between business interests and health officials were apparent at the February 1969

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[50] Though the examples they discuss are from a later period, Naomi Oreskes and Erik M. Conway argue that opponents of government action on various health and environmental issues have often tried to sow doubt on the legitimacy of scientific evidence. In the case of the leaders of the iron and steel industry in Alabama and their supporters, the tactic was not so much to dispute that iron and steel mills contributed to air pollution but to shift the blame to automobiles. Though automobiles certainly contributed to air pollution in Birmingham, the scientific evidence was clear that heavy industry was responsible for most of Birmingham's biggest pollution problem, particulate matter. See Naomi Oreskes and Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (New York: Bloomsbury Press, 2010).

[51] Tate to A. H. Russakoff, February 6, 1969.

[52] For a brief discussion of federal involvement in water pollution control in Alabama, which played out similarly as the air pollution story, see Jeff Frederick, *Stand up for Alabama: Governor George Wallace* (Tuscaloosa: University of Alabama Press, 2007), 236–39.

meeting of the state health board. Members of the board discussed, as they had during their January 1969 meeting, that some legislators and others involved in air pollution negotiations had made it clear that "some thought was being given to transferring this responsibility from the Health Department to some other agency." The state health board was clearly concerned about the prospect of air pollution control that did not include a prominent role for health professionals. At the February 1969 meeting members

> agreed that the physicians are interested in protection of the health of the people in this regard and that industry seems more interested in dollars. It was realized that an effort should be made to work out the provisions of the bill locally, or the Federal government would intervene and set it up.[53]

Governor Albert Brewer, who had assumed the office after the death of Lurleen Wallace in May 1968, recognized that relations between the industrial and health sectors were becoming increasingly adversarial. Brewer told a constituent who had complained about air pollution, "Because the efforts of the Department of Health and interested industrial groups have apparently come to naught, we are presently working with interested legislators on drafting an administration bill which we hope will be effective toward the desired objective."[54] Brewer planned to meet with Gene Welsh of the Atlanta office of the National Air Pollution Control Administration in late March 1969.[55]

After more than a year of attempts at cooperation, the various factions began to solidify in the months leading up to the 1969 legislative session. Though efforts at reaching a compromise did not end suddenly, by March the odds of reaching a deal that would be agreeable to all were very slim. On the one side were Russakoff, local health

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[53] "Minutes of the Meeting of the State Board of Censors, February 19, 1969," February 19, 1969, Alabama Department of Public Health, Meeting Agendas and Minutes, 1967-1970, SG12089, ADAH.
[54] Albert P. Brewer to Daniel P. Hale, March 4, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 17, ADAH.
[55] Memo, March 6, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH.

officials, and citizens pushing for a strong air pollution law. On the other side were U.S. Steel's Mallick and other industry and business leaders, who eventually would promote a law very similar to the one that had failed in 1967. Other players remained somewhat on the fence during the deliberations of the air pollution bill. Myers and members of the state health board tried to steer a middle ground between local activists and industrial concerns, but ended up supporting the industry-backed legislation. Gov. Brewer navigated a difficult path. He expressed a desire to sign a bill that would take real steps toward reducing air pollution. At the same time, he faced the pressure of industrial and business interests. This must have been a significant consideration for the governor, who would have to face the voters in 1970. Like state health officials, Brewer tried to walk a middle path, but he ended up signing and, to a certain extent, defending the industry-backed bill that would eventually pass. Both sides, industry and the health/grassroots coalition, would use the specter of federal involvement to bolster their case. Industry supporters argued that something must be done or the federal government would step in, while health officials and other concerned citizens contended that the industry-backed law was worse than no law at all because it would not pass federal muster.

Chapter 5

"The Big Mules are in Control": The Passage of an Industry-backed State Air Pollution Law

During the summer of 1969 Governor Albert Brewer received many letters and telegrams urging him to support one of the two major air pollution bills being considered by the state legislature. Each bill attracted the support of a different constituency. Industrial and business interests favored the bill sponsored by State Senator C. C. "Bo" Torbert, which was very similar to the one that had failed in the 1967 legislative session. Many physicians, local health officials, and motivated citizens preferred a bill sponsored by State Senator Jack Giles of Madison County, the home of Huntsville. Giles took a special interest in state air pollution legislation because the industry-backed bill would have preempted local air pollution programs, such as the one that Huntsville had established in the early 1960s. That the Torbert bill was under consideration at all surprised one foreign-born Huntsville couple. Guenter and Ursula Haukohl informed Brewer of their support for the Giles bill in a July 26, 1969, letter:

> We have received a letter from the Alabama Clean Air Committee and are amazed that legislation like the Torbert Bill is even discussed in our times. We always thought public representatives are elected by the people to act in the interest of the people. But then we are newcomers on the American scene and still idealists.[1]

The summer of 1969 in Alabama must have been a trying time for idealists like the Haukohls. A few months later Brewer signed the industry-backed Torbert bill into law. Whether or not this reflected a betrayal of "the interest of the people" is debatable. The vast majority of letters and telegrams sent to the governor, aside from a handful from

[1] Guenter and Ursula Haukohl to Albert P. Brewer, July 26, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 11, Alabama Department of Archives and History (ADAH).

business owners and industrialists, supported the Giles bill and opposed the Torbert bill. But most of the anti-Torbert letters were part of an organized campaign, so it is uncertain whether the general population was opposed to the industry-backed bill as well.

What is not in doubt is that the passage of the Torbert bill demonstrated the considerable political influence of industry in postwar Alabama. Led by U.S. Steel's chief of operations in Birmingham, industrial leaders overcame at least three major obstacles in their push for their preferred air pollution control bill. The first was determined grassroots opposition. A coalition of physicians, local public health officials, and concerned citizens around the state pressured legislators and the governor to support an air pollution bill that, they argued, would be more effective than the Torbert bill. Second, industry triumphed despite overwhelming evidence that the Torbert bill would not meet federal air pollution standards. The Big Mules, as former governor Jim Folsom had called the state's captains of industry, and their allies insisted, despite all evidence to the contrary, that the law would pass federal muster and be eligible for federal funds. Finally, leaders of industry proved that they could influence the new governor, who had a reputation as a reformer. Even without George Wallace or his late wife, Lurleen, in the governor's office, industry leaders still wielded considerable influence. Though Governor Brewer seemed to sincerely want to clear up Alabama's air, he found himself in a difficult position. Knowing that he would likely face George Wallace in the next election may have made him more willing to go along with industry's air pollution plan.[2]

[2] Despite the enactment of state environmental laws in the late 1960s and early 1970s, many southern politicians and business leaders continued to favor industrial development over environmental protection. See James C. Cobb, *The Selling of the South: The Southern Crusade for Industrial Development, 1936–1990*, 2nd ed. (Urbana and Chicago: University of Illinois Press, 1993), 236–38.

Despite the passage of its favored air pollution bill, industry would have little time to savor its victory in the 1969 legislative session. The passage of the Torbert bill did not by any means settle the issue of air pollution control in Alabama. Washington almost immediately declared that the new law did not meet federal standards and cut off funding for air pollution control in Alabama. The passage of the industry-backed bill did not extinguish the grassroots supporters of the opposing bill. If anything, the failure to get the Giles bill passed motivated many concerned citizens to become more organized in preparation for the next round. Although the debate over air pollution control in Alabama would continue, industry emerged as the clear winner during the legislative session of 1969.

Recognizing a lack of progress in talks between industry and health officials, Birmingham physician A. H. Russakoff in March 1969 started laying a statewide foundation to push for air pollution legislation. He sent out letters to the presidents of county medical societies around the state informing them that he and the air pollution committee of the Jefferson County Medical Society had been meeting with industry officials on drafting an air pollution bill. "We are at a point of great importance at this juncture in time. Certain situations are developing which may make it of no small moment that we maintain close communications."[3] The "point of great importance" seemed to be the public declaration of the Jefferson County Medical Society that it planned to oppose the industry-backed air pollution bill to be introduced in the 1969 legislative session. On the same day that Russakoff wrote to county medical society presidents, he wrote U.S. Steel's Earl Mallick to inform him of the medical society air

[3] A. H. Russakoff to I. D. Thompson, March 10, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

pollution committee's unanimous opposition, which had not yet been made public. He cited the review of the proposed bill by C. D. Yaffe, an official at the National Air Pollution Control Administration in Atlanta, in opposing the proposed bill. According to Russakoff, the industry-backed bill took into account only one of the weaknesses described by Yaffe in his review, the composition of the state air pollution commission. He ended his letter with a passage from Yaffe's review:

> The draft submitted to us contains provisions, unfortunately, which would make it extremely difficult if not impossible, to prevent, abate or control air pollution sufficiently to have any impact on air quality in Alabama. Consequently, it is unlikely that the workable program requirements of the grant regulations could be met. The awarding of funds for the support of any program so likely to be ineffectual would be most difficult to justify.[4]

Russakoff sent a copy of the letter to Vincent Townsend at the *News*, not for publication, but to let the publisher, whose paper strongly supported the clean-air movement, know "that there is 'something going on.'"[5]

That "something" made it into the news a few days later when state senator C. C. "Bo" Torbert spoke in Birmingham about the air pollution bill he planned to introduce in the legislative session. The bill, he said, would be modeled on the failed 1967 bill, which he had also sponsored. Torbert dismissed claims that a bill based on the 1967 bill did not meet federal standards, according to a report in the *News*:

> 'I am sure federal officials have seen the 1967 bill we submitted,' Torbert declared. 'I have read federal reglations [sic] on air pollution, and found the laws very broad. '[sic] I understand the federal government expects states to have a "workable" program. Your guess as to what "workable" means is as good as mine.'[6]

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[4] A. H. Russakoff to Earl W. Mallick, March 10, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.
[5] A. H. Russakoff to Vincent Townsend, March 10, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.
[6] "Torbert Predicts: Coming Pollution Bill Similar to 1967 One," *Birmingham News*, March 14, 1969.

Torbert's declaration was dubious at best. It is difficult to imagine that the state senator, who had been deeply involved in the negotiations over air pollution control, would not have known about the federal review of the proposed legislation.

As conflict between local health officials and industry and its legislative allies intensified, the state health board appeared to take a middle road at its March 1969 meeting. It noted that several of its members had met with representatives from the Associated Industries of Alabama trade group in Washington. The minutes indicated "much opposition" in the Birmingham area. Noting that changes in the proposed composition of the state air pollution commission had been made, the state health board concluded, "It is hoped that details can be worked out to the satisfaction of Jefferson County and the Federal agency."[7]

Russakoff, possibly pushed by the board of the Jefferson County Medical Society, reached out to Mallick at the end of March to hold additional discussions. He told U.S. Steel's Birmingham chief that "[t]he purpose of such meetings would be specifically to incorporate stipulations in our Bill which would then make it an effective one, and one which could then be supported financially by Federal Grants-in-Aid."[8] As of April 8, 1969, Russakoff had received no reply from Mallick.[9] By mid-April the Birmingham physician had concluded that the push for a state air pollution law was "at a standstill," with industry refusing to compromise any more on the proposed bill. In an April 16, 1969, letter to a conservationist, he said, "[t]here is apparently some behind-the-scenes

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[7] "Minutes of the Meeting of the State Board of Censors, March 19, 1969," March 19, 1969, Alabama Department of Public Health, Meeting Agendas and Minutes, 1967-1970, SG12089, ADAH.
[8] A. H. Russakoff to Earl W. Mallick, March 28, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.
[9] A. H. Russakoff to Earl W. Mallick, April 8, 1969, file 1278.1.1, A. H. Russakoff Air Pollution Files, BPLDAM.

politics involved, but the sum and substance is that industry apparently is not interested in making any further changes in the Bill." He noted that as the head of the Jefferson County Medical Society's Air Pollution Committee, he had to publicly take the position stated by the group's board. Despite his history of cooperation with industry representatives, Russakoff was losing his patience. "For the time being, it would seem that they would prefer to use the 'olive branch' approach. Perhaps their attitude may change within the next thirty to forty-five days."[10]

Despite clear statements from federal air pollution control administrators that the industry-backed bill did not meet federal standards, supporters of the bill claimed that the bill would pass muster with Washington. The day before he wrote his letter concluding that progress on the air pollution issue had stalled, Russakoff spoke on the phone with Mallick at U.S. Steel. According to Russakoff, Mallick had informed him that Sen. Torbert, the sponsor of the air pollution bill, had spoken with "a high official in the National Air Pollution Control Administration," who informed him that the proposed law met standards for federal funding. In reply to Mallick's claim that the proposed bill met federal standards, Russakoff said that he would need to see that in writing before he could support the bill. As of April 21, nearly a week after the phone conversation, Russakoff had not received such written assurance. He gave Mallick a deadline of May 1, 1969.[11]

Mallick did not appreciate being given a deadline. In response to Russakoff's letter, the U.S. Steel executive noted that Russakoff had been involved with negotiations for more than a year. He saw no need to "start negotiating almost from scratch thus

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[10] A. H. Russakoff to George A. Blinn, April 16, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[11] A. H. Russakoff to Earl W. Mallick, April 21, 1969, file 1278.1.1, A. H. Russakoff Air Pollution Files, BPLDAM.

ignoring the negotiating and the concessions made by all of us over an extended period of time." He claimed that the issue of federal review of the proposed bill was "resolved." He saw no reason to reopen the negotiations.[12]

The question of federal review was not as simple as Mallick suggested. His claim that Sen. Torbert had been assured by a federal official that the proposed law would be eligible for federal funding was dubious. Gene Welsh, the head of the Atlanta office of the National Air Pollution Control Administration (NAPCA), informed Guy M. Tate, Jefferson County's director of sanitation, "I categorically deny that I told State Senator Torbert or anyone else that Federal air pollution grant funds would be provided to the State of Alabama if the proposed air pollution control law was enacted." He added that he had recently been informed that an Alabama delegation had met on March 27 at the NAPCA headquarters in Washington. The delegation, which included Sen. Torbert and Mallick, met with the assistant commissioner and other officials. According to Welsh, who was not at the meeting, the federal officials suggested several changes to the proposed air pollution bill. "Based on these discussions and some possible changes in the proposed law the NAPCA personnel indicated that the State of Alabama may qualify for Federal grant support provided that an acceptable application and Workable Program was submitted." This a much more tentative approval than Torbert and Mallick were touting back in Alabama.[13] Records requested by the *News* also indicated that federal officials had told Torbert and Mallick that the proposed law would have to undergo major changes

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[12] Earl W. Mallick to A. H. Russakoff, April 25, 1969, file 1278.1.1, A. H. Russakoff Air Pollution Files, BPLDAM.

[13] Gene B. Welsh to Guy M. Tate Jr., April 25, 1969, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM.

before meeting federal standards.[14] That spring Gov. Brewer's legal advisor, Hugh Maddox, had also received less promising news from federal air pollution control officials. Meeting in Montgomery on April 15, Gene B. Welsh and Doyle J. Borchers of the NAPCA's Atlanta office told Maddox that the federal government would "not be able to fund unless Act provides that State of Alabama be able to abate and enforce air pollution." The federal officials said that federal funding would not be available if the air pollution law included an "exclusion."[15]

Russakoff was aware of the behind-the-scenes maneuverings of Torbert, Mallick, and the Associated Industries of Alabama, as Tate passed along Welsh's letter to him.[16] The Birmingham physician did not seem to be bothered. He suggested that the hard line Mallick was taking with Russakoff masked a possibility that the industry group could be convinced to make changes to the proposed bill. "These people are buying time and are obviously wearing one hat with us but are coming hat-in-hand to the Federal Agency," he told the chairman of the board of the Jefferson County Medical Society in late April 1969.[17]

On May 7, 1969, the Jefferson County Medical Society publicly came out against the air pollution bill. In announcing its opposition, the group listed several problems with the proposed legislation. The group noted that the bill would preempt existing air pollution laws and would not allow any board of health in the state to enact air pollution

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[14] "Enforcement Steps Called Unworkable: State Air Pollution Bill Fails to Satisfy HEW Officials," *Birmingham News*, May 4, 1969.
[15] Gene B. Welsh to Hugh Maddox, April 9, 1969, RG 412, Records of the Environmental Protection Agency, Office of Air Programs, Administrative Subject Files, 1966–1972, Box 8, National Archives II, College Park, Md.; Untitled notes, April 15, 1969, Alabama Governor, Administrative Files,1962-1978, SG022455, folder 17, ADAH.
[16] Guy M. Jr. Tate to A. H. Russakoff, April 29, 1969, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM.
[17] A. H. Russakoff to Edward A. Harris, April 30, 1969, file 1278.1.1, A. H. Russakoff Air Pollution Files, BPLDAM.

controls. Because it did not meet federal standards, it would not be eligible for federal funds. The group also opposed the 7-year "grandfather clause" as well as what it considered insufficient penalties for offenders. Finally, the medical society claimed that the air pollution control board included too much industry representation.[18]

Even before his county medical society made public its opposition to the Torbert bill, Russakoff wasted no time in urging physicians and other health professionals around the state to come out against the Torbert bill. In a form letter sent out to physicians around the state, he called it "a bad bill---entirely industry oriented, and not in the interest of the health and welfare of the public." He warned that industry supporters of the bill would try to move the bill quickly through the legislature before the opposition had time to organize:

> Resolutions from organizations will not suffice. There must be a groundswell of letters to your Legislative Delegation written by individuals and expressed in their own language. Form letters will not do....Each individual physician acting as a guardian of the health of the public must be asked to prevail upon patients to write such letters.[19]

A few days later he sent another round of letters to physicians who were members of various county medical societies. He asked them to encourage their societies to pass resolutions in support of the campaign against the Torbert bill. He noted the key role women's groups around the state were playing in the opposition to the air pollution bill: "They have already begun sending an avalanche of mail to their Legislative Delegations requesting that the Air Pollution Bill be defeated. These Women's organizations deserve

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[18] "County Medical Society Asks Lawmakers to Kill Pollution Bill," *Birmingham News*, May 1969; A. H. Russakoff to Quinton R. Bowers, May 9, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[19] A. H. Russakoff to George W. Newburn Jr., May 5, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

the support of the medical profession on this issue."[20] Russakoff soon came to the conclusion that he was at odds with the state board of health, known as the board of censors: "In my quest for good air pollution legislation, it may become necessary for me at some point to demonstrate that the State Board of Censors does not represent the medical profession on that issue in numbers."[21] Some county medical societies, including those in Madison and Walker counties, came out in support of Russakoff's strategy, but others did not take action.[22] Russakoff also encouraged the state nursing association to come out in support of strong air pollution control legislation and successfully sought the support of Birmingham-area dentists.[23] The Jefferson County Board of Health also came out against the air pollution bill in May.[24]

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[20] A. H. Russakoff to William J. Tally, May 9, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM. Though women's environmental activism in the postwar era has not been studied as extensively as that of the early twentieth century, middle-class women played a significant role in the environmental movement of the 1960s. As Adam Rome has pointed out, many of these women considered their environmental activism as an extension of their role as wives and mothers. See Adam Rome, "What Really Matters in History: Environmental Perspectives in Modern America," *Environmental History* 7 (April 2002): 303–318; and Rome, "'Give Earth a Chance': The Environmental Movement and the Sixties," *Journal of American History* 90 (September 2003): 525–554. James Longhurst notes that middle-class women led the citizens' movement against air pollution in the 1960s and 1970s. See James Longhurst, *Citizen Environmentalists* (Medford, Mass.: Tufts University Press, 2010), esp. chapter 4. Middle-class women were also active in the clean air movement in Alabama in the late 1960s and early 1970s, but it was the medical and health community associated with the University of Alabama at Birimingham, led first by A. H. Russakoff and later by the group GASP, that led the push for statewide air pollution legislation. ; For a discussion of women's involvement in the postwar environmental movement, see chapter seven in Carolyn Merchant, *Earthcare: Women and the Environment* (New York: Routledge, 1995).

[21] A. H. Russakoff to Sidney, May 28, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[22] A. H. Russakoff to B. D. McAnnally, May 22, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM; William S. Warren to A. H. Russakoff, May 22, 1969, file 1278.1.12, A. H. Russakoff Air Pollution Files, BPLDAM; Madison County Medical Society, "Resolution," June 5, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH; Robert E. Ray to A. H. Russakoff, June 6, 1969, file 1278.1.12, A. H. Russakoff Air Pollution Files, BPLDAM.

[23] A. H. Russakoff to Gean Gayle, May 21, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM; William P. Buck to A. H. Russakoff, May 23, 1969, file 1278.1.12, A. H. Russakoff Air Pollution Files, BPLDAM; A. H. Russakoff to William M. Lawson, June 5, 1969, file 1278.1.12, A. H. Russakoff Air Pollution Files, BPLDAM; Annelle Bishop to Thelma Mitchell, May 20, 1969, file 1278.1.12, A. H. Russakoff Air Pollution Files, BPLDAM.

[24] "Meeting Set for Today in Montgomery: Lawmakers Sniffing about for Pollution Plan," *Birmingham Post-Herald*, May 13, 1969.

In the face of significant opposition, sponsors of the bill quickly withdrew it "for further consideration."[25] In comments made after an air pollution bill failed to make it out of the Interim Committee on Air Pollution, Gov. Brewer said that he would introduce a bill of his own if legislators could not agree on one themselves. He declared air pollution control to be "one of the main goals of this administration." Sen. Aubrey Carr, a member of the air pollution committee, said "that the commission members representing the public would be selected in such a way under the plan that the public would be practically left out." Brewer voiced his agreement: "We don't need a commission that represents everybody but the people....We need industry and health represented, but basically we need the people."[26]

Coincidentally, U.S. Steel held its stockholders' meeting in Birmingham in early May 1969 while the debate over the state air pollution control bill was heating up. Though many in the city probably welcomed the meeting, members of several civic and church groups tried to shame the company in a full-page newspaper advertisement:

Attention:

U.S. Steel

Stockholders

PLEASE—Do for us what you

have done for Pittsburgh

Control air pollution in our city.

Alabama Federation of Women's Clubs

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[25] K. W. Grimley to Albert Brewer, May 14, 1969, Alabama Governor Administrative Files,1962-1978, SG022455, folder 18, ADAH.

[26] "Says Gov. Brewer: Air Pollution Control Main Legislative Job," *Birmingham Post-Herald*, May 15, 1969.

Diocesan Council of Catholic Women

Citizens Committee for Clean Air.[27]

Though residents of Birmingham had long referred with pride to their city as the "Pittsburgh of the South," Birmingham's relationship with the Pennsylvania city was complicated, especially after Pittsburgh-based U.S. Steel, under the leadership of J. P. Morgan, acquired Birmingham's Tennessee Coal, Iron, and Railroad Company (TCI) in 1907. Many in Birmingham, with some justification, felt that U.S. Steel's dominant role in the city, which included the "Pittsburgh Plus" pricing plan that eliminated most of the price advantage of iron and steel produced in Birmingham, kept the city from reaching its full potential as an industrial center.[28] By the late 1960s some Birmingham residents were voicing a different type of frustration with the Pittsburgh company. They complained not because they believed U.S. Steel suppressed Birmingham's industrial potential but because, they alleged, the company had not taken the same pollution-control steps in Birmingham that it had in Pittsburgh.[29]

While in Birmingham for the meeting, the steel company's chairman, Edwin H. Gott, voiced support for air pollution control but cautioned that it would be a slow process. He said it was more economical to build new facilities with built-in air pollution controls than to add them to the existing open-hearth furnaces at the Fairfield Works.

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[27] "Attention: U.S. Steel Stockholders," May 1969, file 1278.1.15. A. H. Russakoff Air Pollution Files, BPLDAM.

[28] For a discussion of U.S. Steel's acquisition of TCI and the impact of the "Pittsburgh Plus" pricing system, see W. David Lewis, *Sloss Furnaces and the Rise of the Birmingham District: An Industrial Epic* (Tuscaloosa: University Alabama Press, 1994), 290–95.

[29] As noted in Chapter 3, the cleanup of Pittsburgh's air was not as complete as clean-air advocates in Birmingham believed, though the Pennsylvania city did have noticeably clearer skies than Birmingham thanks to a 1949 countywide ordinance that encouraged industry to switch from coal to natural gas and other fuels that produced less smoke. See Sherie R. Mershon and Joel A. Tarr, "Strategies for Clean Air: The Pittsburgh and Allegheny County Smoke Control Movements, 1940–1960," in *Devastation and Renewal: An Environmental History of Pittsburgh and its Region* (Pittsburgh: University of Pittsburgh Press, 2003), 145, 169–73.

Gott noted that he had received a telegram from Mrs. Vernon Gentle of Birmingham, who led the Citizens Committee for Clean Air. Gott did not have time to meet with the group while in Birmingham, but local U.S. Steel head Earl Mallick said he would try to meet with them. Gott described the steel company as being supportive of cleaner air but wary of the expense: "'Everybody wants air and water pollution control....But it's a terrific burden to place on industry for us to put all this money into control equipment and get no return on the money. Unfortunately, there are no tax incentives for such investment.'"[30] Though a fair case can be made that U.S. Steel had long delayed implementing pollution control, the company, and the rest of the U.S. steel industry, was in the midst of a decline, with profits dropping in the face of cheaper imported steel.[31]

Behind-the-scenes contacts between Montgomery and Washington continued as the public struggle over the new air pollution law was taking place. In early May, Sen. Torbert wrote to William H. Megonnell, an assistant commissioner at the National Air Pollution Control Administration, to verify that the proposed air pollution law would be eligible for federal funds. Torbert seemed to be under the impression that the proposed law would be eligible for at least some federal grants.[32]

The 1969 legislative session would see the introduction of several air pollution bills, with the Giles and Torbert bills being the most important. The Torbert bill was withdrawn in May, but it was reintroduced the next month. State Senator Jack Giles, who represented Huntsville and surrounding Madison County, introduced a bill that spring

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[30] "U.S. Steel Chief 'Acutely Aware' of Air Pollution; Initiates Control," *Birmingham News*, May 6, 1969.
[31] John P. Hoerr, *And the Wolf Finally Came: The Decline of the American Steel Industry* (Pittsburgh: University of Pittsburgh Press, 1988), 98.
[32] C. C. Torbert Jr. to William H. Megonnell, May 6, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.

that gained the support of Russakoff and other health and conservation activists.[33] Unlike the industry-backed Torbert bill, the Giles bill did not preempt local air pollution programs, such as the one already in place in Huntsville. Giles proposed a state air pollution commission that would regulate air pollution in parts of Alabama that did not have a city, county, or regional control program. This state board could preempt a local air pollution control program only if it did not meet state standards. The membership of the commission outlined in the Giles bill was different than in the Torbert bill. The Giles bill shifted the balance of power away from industry. It called for an air pollution control commission chaired by the state health officer, with the state conservation director serving as vice chairman. Other members would include the state director of planning and industrial development, the state toxicologist, an attorney with experience representing a city or county agency, a civil engineer, a physician who specialized in respiratory diseases, an industrial medicine physician, and a citizen representative from each congressional district.[34]

On June 22, 1969, Russakoff telegrammed Gov. Brewer to express the opposition of the Jefferson County Medical Society to the Torbert bill, which had been re-introduced in the Senate.[35] The *News* shared the medical society's disdain for the bill: "After years of pussyfooting, isn't it about time Alabama's Legislature faced up to the fact that the public, its nostrils and lungs filled with dirty air, is going to demand that a workable and effective air pollution control law be passed and enforced? The obvious answer is: Yes, of course it is." The *News* recognized the need for compromise but declared, "The

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[33] A. H. Russakoff to Jack Giles, May 27, 1969, file 1278.1.12, A. H. Russakoff Air Pollution Files, BPLDAM.
[34] "New Antipollution Bill May Be Introduced by Madison Solon," *Birmingham News*, May 20, 1969.
[35] A. H. Russakoff to Albert P. Brewer, June 22, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.

'compromise' version bends so far in the other direction that it continues to be worse than no bill at all. It does not meet minimum standards of national air pollution legislation which eventually will move in and prempt [sic] state authority if we refuse to act on our own."[36]

At the same time, industry advocates were pressuring the governor to support the Torbert bill. A Decatur man who served on the Associated Industries of Alabama (AIA) Air and Water Resources Committee informed Brewer that the Torbert bill was a compromise "which, if it passes, in my opinion A.I.A. could live with it." His concern was that if the legislature did not pass a bill this year, the federal government would take action.[37]

Industry supporters' concern about the federal government was not unfounded. Federal officials were following events in Alabama during the summer of 1969. Gene B. Welsh, the regional air pollution control director in Atlanta, informed Gov. Brewer's legal advisor that he had received two requests to review Alabama's proposed air pollution legislation. One came from Dr. Edward A. Harris at the Jefferson County Board of Health, and the other from Bill Dobbins, the air pollution control officer for the city of Huntsville.[38] In letters to Dobbins and Harris, Welsh said that he preferred the Giles bill over the other two bills under consideration. "It contains provisions that could effectively prevent and control air pollution in the State of Alabama in a reasonable and practical manner." He noted that the Giles bill also allowed for the establishment of local air

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[36] "Let In Some Air," *Birmingham News*, June 22, 1969.
[37] F. B. Richerson to Albert Brewer, June 23, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH.
[38] Gene B. Welsh to Hugh Maddox, June 30, 1969, Alabama Governor Administrative Files,1962-1978, SG022455, folder 18, ADAH.

pollution control programs.[39] Along with his letter to Harris, Welsh included the results of the early-1969 federal review of the air pollution bill proposed by the industry-and-health working group. In a review sent to Welsh in February 1969, Charles D. Yaffe, the director of the Division of Control, Agency Development, at the National Air Pollution Control Administration in Arlington, Virginia, had found several major weaknesses in proposed air pollution legislation being considered by the industry-health working group.[40]

Brewer wrote to Welsh in July, saying that he was "glad to receive your comments, as they will be very helpful to us in determining what final action we will take in this matter." Brewer did not indicate which bill he favored.[41] Brewer was caught off guard when the Torbert bill made it out of committee. In public comments at the time, he said he supported some aspects of the Giles bill, such as local control. He thought the Torbert bill's smaller commission was more practical, however.[42] In his reply to University of Alabama chemistry professors who had written him in support of the Giles bill, Brewer said that he was "working to analyze the pending bills and to try to gain support for a strong and effective air pollution bill." He did not come out in favor of any particular bill, but he did encourage the chemists, who supported Giles, to contact their state legislators:

> The ultimate responsibility for the passage of this legislation will rest with the Legislature, and I should like to urge you to contact your legislators and present your views to them. You are particularly well qualified to

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[39] Gene B. Welsh to Bill Dobbins, June 30, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.
[40] Charles D. Yaffe to Regional Air Pollution Control Director, Region IV, February 12, 1969, file 1278.2.5, A. H. Russakoff Air Pollution Files, BPLDAM.
[41] Albert P. Brewer to Gene B. Welsh, July 10, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.
[42] "Brewer Wants Stronger--'Compromise' Air Bill Fast, Weak," *Birmingham News*, July 11, 1969.

> express an opinion on this issue, and I am sure it will help the members of the Legislature to have your thoughts.[43]

Gov. Brewer found himself in a difficult position. On the one hand, he did seem to want to implement some sort of air pollution law in Alabama. On the other hand, he faced industrial interests who were pushing hard for relatively lax air pollution control. In an April reply to a constituent who supported strong air pollution control, Brewer provided a useful summary of his attitude toward air pollution control in Alabama:

> Please assure each of the citizens signing your petition that I too am vitally concerned with seeing a workable air pollution control bill enacted into law. I feel that both industry and the public are interested in controlling air pollution in our State and I believe that with this partnership of concern that we can get the job done.[44]

In a reply to another constituent that spring, Brewer declared "I am going to work toward getting a reasonable program."[45] While wrangling over air pollution bills was going on, Brewer did not express support for a particular bill. However, he did come out in favor of the Giles bill provision dealing with local air pollution control programs: "It is equally important, I think, that the approach of the Giles bill toward local agencies be retained in substance. I believe this can be done and will be accepted by the Legislature."[46]

Progressives in Alabama often look back longingly at the governorship of Albert Brewer as a time in which Alabama briefly experienced a "New South" governor. Brewer's term, though not long, included several significant accomplishments, including

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[43] Albert P. Brewer to Charles U. Pittman Jr., July 14, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.
[44] Albert P. Brewer to Mrs. George Elrod, April 18, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 17, ADAH.
[45] Albert P. Brewer to R. E. Fortner, May 2, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 17, ADAH.
[46] Albert P. Brewer to Stanley H. Green, June 9, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.

increased education funding and the establishment of a state ethics commission.[47] Brewer, however, did not make air pollution legislation as high a priority as reforms in other areas, notably education. A sense of pragmatism may have played a role. Years after the air pollution debate had been settled, Brewer said of the Torbert bill, "It was probably the best we could get at the time....I really doubted that any bill could pass at that time. And historically we'd been trying for pollution bills and could not get one passed or not anything that was significant passed."[48]

Citizens and health officials in support of the Giles bill and industry and business groups for the Torbert bill faced off at the July 22, 1969, hearing in Montgomery. Leading the charge against the Torbert bill was John Jenkins, president of the Alabama Anti-Tuberculosis Association, who told the committee that the industry-backed bill would be "like putting a fox in charge of protecting chickens." Ira Myers, the state health officer, also spoke in support of the Giles bill, though his endorsement was less insistent. He told the committee that he "favored" the bill, though he sought a greater role for the state health department. Gene Welsh also testified in support of the Giles bill. Key features of the bill, according to Welsh, were the lack of a grandfather clause and a provision allowing local governments to set up their own pollution control programs.[49]

Various citizens, including individuals and leaders of organizations, testified against the Torbert bill. Though organized labor was not heavily involved in the debate, U.S. Steelworkers representative James W. Hickman of Fairfield advocated for the Giles bill, telling the committee "other bills seem to be loaded to give industry full power." A

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[47] William Warren Rogers et al., *Alabama: The History of a Deep South State* (Tuscaloosa: University Alabama Press, 1994), 576.
[48] Brewer quoted in Jeff Frederick, *Stand up for Alabama: Governor George Wallace* (Tuscaloosa: University of Alabama Press, 2007), 240.
[49] "In Committee Hearing: Senate Airs Pollution Control Proposals," *Birmingham News*, July 23, 1969.

Birmingham woman representing the League of Women Voters called for "stiff fines so that polluters can not pay fines and avoid the law." A man who flew private planes said, "We can see air pollution. This is over and above normal concerns. When you are flying an airplane you look down, not up on air pollution. It is a problem of visibility." A Montgomery woman who served as the representative of "the public" sought "a bill with teeth in it."[50]

Supporters of the Torbert bill saw things differently. An official with the Alabama State Chamber of Commerce testified, "Air pollution in Alabama does not come from industry alone." Other proponents of the Torbert bill who testified included representatives from International Paper in Mobile, Monsanto Chemical Co. in Decatur, and the Associated Industries of Alabama. Pete Allen, director of government relations for International Paper Co. of Mobile, justified a place at the table for industry: "We think industry should have representatives on the commission because it has people who understand the problems and have the technical knowledge and skills required for solving the problems." He criticized the local control provision of the Giles bill. The result would be "a multiplicity of control efforts of varying degrees of severity or laxity with a resulting hodge podge of standards and regulations."[51]

After the committee hearing, the head of the committee appointed a five-member subcommittee to draft a new air pollution bill. The subcommittee included Giles and Torbert. Committee members did not vote at the end of the hearing, but the *News*

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[50] Ibid.
[51] Ibid.

reported that a majority of members favored a "grandfather" clause to allow industries and businesses to meet the new standards.[52]

Despite the opposition of most local health officials, the state health establishment soon reached an agreement with the supporters of the Torbert bill. On August 3, 1969, Torbert appeared before the state health board, whose members were all physicians. He presented the "compromise" air pollution bill to the board. The major change from the original Torbert bill was the designation of the state health officer as the head of the air pollution control commission. The state health officer, Ira Myers, urged the board to give its backing to the bill. In the discussion of the bill, many members of the board "expressed concern that the bill might not be strong enough and, admittedly, every other similar piece of legislation needs revision several times. This version also probably needs strengthening at an early session of the Legislature." The board unanimously approved the bill.[53] According to the News, the revised bill "apparently has the approval of Gov. Albert Brewer."[54]

Most opponents of the original Torbert bill did not support the revised bill. Giles, the sponsor of the other major bill, objected to the influence of industry on the proposed air pollution control commission.[55] Several members of the Alabama Clean Air Committee met with the governor to urge him to veto the bill if it passed. K. W. Grimley of the Alabama Tuberculosis Association announced before the meeting, "We'll remind him of his promise of an effective air pollution bill in this session." According to Grimley, the only apparent change from the original Torbert bill was that the revised one

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[52] "New 5-Man Group Named to Study Pollution Control," *Birmingham News*, July 23, 1969.
[53] "Minutes of the Meeting of the State Board of Censors, August 3, 1969," August 3, 1969, Alabama Department of Public Health, Meeting Agendas and Minutes, 1967-1970, SG12089, ADAH.
[54] "By Subcommittee--Pollution Control Revisions Approved," *Birmingham News*, August 5, 1969.
[55] "Pollution Bill Not Adequate, Senator Says," *Birmingham News*, August 6, 1969.

made the state health officer the head of the air pollution control commission. "This thing not only has a grandfather clause in it; it even has a grandson clause....It would allow a firm to open up a business and pollute the air for seven years before anything could be done about it." John Jenkins, the president of the Alabama Tuberculosis Association, objected to industry representation on the air pollution control commission. "We don't have the health department represented on industrial development commissions because they deal with business matters. Why should industry be represented on a commission which has only to deal with health matters?"[56] Besides Jenkins and Grimley, citizens who attended the meeting with Brewer included representatives from the University of Alabama in Birmingham, the Audubon Society, the Alabama Conservancy, the Alabama Federation of Women's Clubs, and the Catholic Women's Diocese of Alabama.[57]

One opponent of the bill, Sen. Aubrey Carr of Marshall in north Alabama, declared it "not worth the paper its [sic] written on....Except for including the health department as administrator...it is the same bill they submitted to Washington and it was ridiculed." That change apparently was enough to gain the support of state health officer Ira Myers. Despite his earlier preference for the Giles bill, Myers said of the revised bill under consideration, "The Torbert bill is a compromise which could get us moving and quit just talking about air pollution....To take steps...we must have some rules on the books."[58]

If Brewer had based his decisions on letters and telegrams sent to him during the spring and summer of 1969, his decision would have been simple. The overwhelming majority of those who contacted the governor and other officials supported the Giles bill

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[56] "Asks Veto--Group Protests Air Pollution Control Bill," *Birmingham News*, August 6, 1969.
[57] "Veto Sought: Delegation Divided on Air Pollution Bill," *Birmingham News*, August 7, 1969.
[58] "Legislation Is Complex: Time May Run Out on Clean Air Bill," *Birmingham News*, August 10, 1969.

and opposed the Torbert bill. Russakoff summarized the support for Giles and Torbert in a July 16, 1969, telegram to Brewer:

> The Jefferson County Medical Society other county medical societies, the Birmingham district dental society and numerous lay and civic groups across the state support the Giles air pollution bill, no professional or lay group of citizens to my knowledge supports [the] Torbert bill.[59]

Based on letters sent to Brewer in 1969, Russakoff was correct. A variety of organizations weighed in throughout the legislative battle over the two air pollution bills. In late June 1969 a coalition of groups made public its opposition to the Torbert bill. Working under the name the Alabama Clean Air Committee, a coalition of groups, including the Alabama Tuberculosis Association, the Alabama Federated Women's Clubs, the Audubon Society, the Wildlife Association, as well as environmental and health professionals, pushed for passage of the Giles bill.[60] The Jefferson County Medical Society joined forces with the Alabama Thoracic Society to encourage citizens to write their elected representatives in Montgomery. Calling the Torbert bill "entirely industry oriented," a flier issued by the groups claimed "[i]t has been reviewed by the Federal Air Pollution Control Commission which concluded that the Bill would do little or nothing to control air pollution in Alabama." The medical groups told Alabama residents, "You and your children will BREATHE EASIER – if you write your legislators! Make democracy work!"[61]

Conservationists also weighed in on the air pollution legislation. Representatives of several groups, including the Wilderness Society and the National Wildlife Federation,

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[59] A. H. Russakoff to Albert P. Brewer, July 16, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH.
[60] Alabama Tuberculosis Association, "Press release," June 24, 1969, file 1278.1.4, A. H. Russakoff Air Pollution Files, BPLDAM.
[61] Flier from the Jefferson County Medical Society and the Alabama Thoracic Society, 1969, file 1278.2.5, A. H. Russakoff Air Pollution Files, BPLDAM.

met in Birmingham in March 1969 to discuss the proposed air pollution bills. Speakers and attendees at the meeting discussed federal and state roles in controlling air pollution in Alabama. Referring to the Torbert bill, one attendee said "'It might be better to kill the proposed weak air pollution control act,' than to try to pass a state act with real teeth in it." Another attendee, who was the vice president of the local branch of the National Wildlife Federation, said, "'We in Alabama would be much better off with federal people policing air pollution than we would under the bill presently proposed.'"[62] The Alabama Conservancy and more than a dozen other environmental organizations met in Tuscaloosa on May 24, 1969, and agreed on the urgency of passing a strong air pollution law. Mary I. Burks, a Mountain Brook woman who was acting president of the conservation group, telegrammed Gov. Brewer on May 26, 1969: "[W]e urgently request that you support or promote legislation to ensure clear air that will not endanger health, property, or esthetics."[63] On the same day, she also drafted a letter containing a detailed list of what the Alabama Conservancy wanted from an air pollution law. First on the list was the following declaration:

> Clean, healthy air of such quality as not to significantly endanger human health, property, plant and/or animal life, or aesthetic values should be a basic civil right – not something which industry or the State Legislature might give our citizens; and that the elimination of significant air pollution throughout our State be a desirable long term goal.[64]

Many citizens agreed with this sentiment. Aside from a few letters and telegrams from people somehow associated with industry, including members of the Associated Industries of Alabama (AIA), nearly all of the constituent mail, both from individuals and

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[62] "Question Discussed: State Clean Air Act, or Go with U.S. rules?," *Birmingham News*, March 30, 1969.
[63] Mary I. Burks to Albert P. Brewer, May 26, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.
[64] Mary I. Burks to Albert P. Brewer, May 26, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 18, ADAH.

from organizations, urged the governor to support the Giles bill and oppose the Torbert bill.

Broadly speaking, many grassroots opponents of the industry-backed air pollution bill fit into one of two categories. One included people who bore a disproportionate share of the air pollution burden. These included people living near pollution sources, industrial workers, and people with chronic lung illnesses. These were the kind of people—in some cases the same people—who had been complaining to city and county officials about pollution sources in their neighborhoods since the 1940s. The other major group opposed to the Torbert bill included middle- and upper-middle-class residents, many of whom lived in suburban areas. They, too, had been involved in the clean-air movement since the 1940s, but it was during the push for statewide legislation that their concerns, which tended to be broader in scope than working-class residents, began to dominate the rhetoric of the clean-air movement. Residents continued to complain about the impact of air pollution on their homes and neighborhoods, but more and more the discussion centered on concerns about the preservation of the environment for future generations.[65]

An understandable sense of frustration at what was perceived to be a lack of response to oft-repeated complaints was apparent in much of the correspondence from people who lived in industrial neighborhoods. In a letter to Gov. Brewer signed by several of their neighbors in Hueytown, a Birmingham suburb near several industrial

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[65] The middle class supporters of air pollution control in Alabama were similar in many ways to the Pittsburgh activists that James Longhurst describes. They differed in an important respect. Longhurst characterizes their Pittsburgh counterparts as "citizens first and environmentalists second." Though many of the people pushing for a strong air pollution control law in Alabama may not have identified themselves as environmentalists, just as many women who support women's rights resist being called feminists, the top concern of the clean air campaigners in Birmingham was an environmental issue—polluted air. They were concerned about good government, and some of them had been involved in groups like the League of Women Voters. But again and again they described their primary goal as clean air, not clean politics. Longhurst, *Citizen Environmentalists*, 13, 29 (quotation), 172 .

operations, Mr. and Mrs. G. K. Bonkemeyer cited long-term air pollution problems in their opposition to the Torbert bill:

> Rest assured that many of us are concerned about the impending controls for air pollution. We live in a heavily polluted area, and have for many years. We feel so helpless about doing anything about it. Our only hope seems to be in a bill enacted by the legislature, so strong, that our industries will be forced to comply. We will appreciate your using your considerable influence toward protecting the health of the people in industrial areas who are helpless to protect themselves, short of moving their families and giving up their jobs.[66]

The Bonkemeyers and their neighbors, as many residents of industrial areas had done in the past, were complaining about the direct impact of industrial emissions on their families. They expressed a sentiment common to many working-class complaints—a feeling of helplessness to escape air pollution. A family living in Norwood, a neighborhood near several industrial operations in North Birmingham, informed Brewer that their neighborhood had long been subjected to considerable pollution. In a letter to the governor, Marvin and Flora Lee Jeter and their daughter Kumi complained,

> For far too many years, we in the Norwood section of Birmingham have been subjected to extremely obnoxious industrial air pollution, mainly from the McWane Cast Iron Pipe Co., a plant which frequently resembles an active volcano. This company has never shown the least concern for the people who had to breathe its filthy fumes; on the contrary, the situation has steadily worsened. Only vigorous enforcement of an effective law can force this irresponsible firm, and others like it, to stop polluting our air.[67]

The Jeters lived across town from the Bonkemeyers in Hueytown, but they shared a sense of frustration that their neighborhoods had been exposed to air pollution for many years.[68]

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[66] Mr. and Mrs. G. K. Bonkemeyer et al. to Governor Brewer, July 19, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH.

[67] Marvin D., Flora Lee, and Kumi Jeter to Albert Brewer, July 21, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 11, ADAH.

[68] Though a coherent environmental coalition between the white working class, the white middle class, and African Americans did not develop in Birmingham as it did in Gary, Indiana, around the same time, in this instance the goals of the white middle class in Birmingham, many of whom lived in less polluted neighborhoods on the other side of Red Mountain from Birmingham, overlapped with people living near

Though residents of working-class neighborhoods had long complained, only rarely had employees of Birmingham-area mills publicly criticized their employers for polluting the air. For the most part this remained true during the back-and-forth over the Torbert and Giles bills. People in neighborhoods near industry made their views known, but the letter writers and petition signers were disproportionately women, not the men who worked in the iron and steel mills. The reluctance of employees to speak out on the issue was understandable, of course, since many surely feared that to do so would put their jobs at risk. Labor unions did not play a major role during the 1969 debate on the competing air pollution bills, though at least one local labor committee came out in opposition to the Torbert bill. The president of the United Steelworkers Safety Committee of District 36 in Bessemer wrote Brewer to inform him that his membership opposed the Torbert bill:

> The Air Pollution Bill, now pending on the Legislative Calendar, was discussed at our last United Steelworkers Safety and Health Conference. We feel this bill is not far reaching enough to solve our problems. The members voted unanimously to ask you to use the power of your office to veto this bill. Any influence you have will be greatly appreciated.[69]

A chemist at U.S. Steel also expressed his disapproval of the Torbert bill in a July 19, 1969, letter to the governor. Thomas A. Imhof directly criticized his employer and other industries for opposing what he considered to be adequate pollution control. He took direct aim at the head of U.S. Steel's operation in Birmingham: "Next time Earl Mallick talks about Air POllution [sic], ask him why he lives in Mountain Brook instead

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polluting industries. Working-class whites had been complaining about pollution for years, but it was not until middle-class environmentalists took up the anti-pollution cause that the state government, under pressure from Washington, began to deal with the issue. Andrew Hurley, *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana, 1945–1980* (Chapel Hill: University of North Carolina Press, 1995).

[69] James Higdon to Albert Brewer, August 18, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH.

of Fairfield or Ensley!"[70] Imhof himself lived in Ensley near one of U.S. Steel's major sites. His critique of Mallick exemplified the resentment that many residing in industrial neighborhoods felt toward those who lived in cleaner neighborhoods in the over-the-mountain suburbs. This resentment, which had surfaced repeatedly during the smoke abatement debates of the 1940s and 1950s, was epitomized by a June 1969 letter published in the *Post-Herald.* A resident of Norwood in north Birmingham expressed dismay that only six of the twenty-six members of the Jefferson County state legislative delegation lived in Birmingham, a proportion much lower than Birmingham's share of the county population. The writer noted that five lived in Mountain Brook and another six lived in other parts of suburban Shades Valley. This distance from pollution sources explained the lack of action on air pollution control, according to the Norwood resident: "[A]bout the only thing that would guarantee meaningful anti-pollution action from the 'Birmingham' legislators would be for somebody to build an enormous paper mill in the middle of Shades Valley."[71]

It did not take a paper mill to get many suburban residents interested in air pollution control. Though their neighborhoods were spared the worst of Birmingham's air pollution, a growing number of people living in the mostly white-collar over-the-mountain suburbs such as Mountain Brook, Homewood, and Vestavia Hills became leading advocates of strict air pollution control. They were motivated less by the direct impact of industrial emissions on their property and more by the broader effects of air pollution. In many respects, residents of suburban Birmingham who complained about air pollution in the late 1960s had very similar concerns as suburban residents in other parts

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[70] Thomas A. Imhof to Albert Brewer, July 19, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH.
[71] M. D. Jeter, "Imbalance," *Birmingham Post-Herald*, June 1969.

of the country. Several constituents wrote of the fear that civilization was on the brink of collapse because of humanity's destruction of the environment. One Homewood woman who supported the Giles bill wrote the governor, "Scientists tell us we are on a course of self-destruction unless we correct the course. Surely, we can meet this crisis with intelligence without ruining our industrial complex."[72] Others expressed concern about air pollution's effect on health, particularly that of their children. For example, an over-the-mountain woman informed Brewer that she and her husband supported the Giles bill for their children's sake: "Please give our children clean air to breathe."[73]

Anne Greenhalgh, a Mountain Brook woman, wrote of her concerns about human health as well as the spread of pollution into previously sheltered areas.

> I do not think men in government realize the depth of concern citizens now have about the air pollution problem. I never look out on Birmingham from the top of Red Mountain and see the smoke billowing from the top of Red Mountain and see the smoke billowing from the industrial furnaces and drifting out over the city that I don't think of the tens of thousands of people whose health, we now know through modern research, is being endangered. We talk of the cost of medicaid [sic] to the state and yet we let the constant pollution go on that will undoubtedly bring more and more health problems to the people less likely to be able to take care of their own needs in this direction.
> I live in Shades Valley and thirty years ago we were free of the bands of smoke that now settle here regularly. This would seem to indicate that the menace is growing and a wider area constantly involved."[74]

Whether Greenhalgh was correct about air pollution's spread into the suburbs is hard to verify because historical measurements of air pollution in Birmingham and surrounding areas are incomplete. It is quite possible that Greenhalgh was simply much more aware of

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[72] Pollie B. Burks to Albert Brewer, July 21, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH.
[73] Mrs. Harrison Richardson to Albert Brewer, July 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH.
[74] Anne Greenhalgh to Albert Brewer, July 22, 1969, Alabama Governor, SG023188, folder 10, Air Pollution, 1969, ADAH.

air pollution than she had been thirty years before. In addition, significant automobile-driven development of Shades Valley had occurred since World War II. Cars certainly brought significant air pollution to this suburban area.

Aside from the over-the-mountain suburbs of Birmingham, the city of Huntsville was a source of many complaints about air pollution. Home to rocket scientists and other highly educated professionals working in the aerospace industry, this north Alabama city was fertile ground for the type of environmental concerns typical of the late 1960s. In early 1969 a Huntsville resident forwarded to Gov. Brewer a letter that he had sent to a paper company planning to open a mill in the Huntsville area. Daniel Payne Hale, who was the Madison County director of the North Alabama Conservation League, described Huntsville as a city whose residents were more likely to protect their environment than most:

> Huntsville is a cosmopolitan community of about 16,000 technical people which with their families and those working in supporting goods and services make a total of nearly 200,000. This community can be awakened to a threat of this nature with less effort than is generally the case – and many here are incensed even now because the paper mill in Rome, Georgia (over 60 miles away and not up the prevailing winds) occasionally gives Huntsville's air the faint odor of a cess pool [sic].[75]

Many other Huntsville residents wrote the governor to oppose the Torbert bill. Of particular concern to Huntsvillians was that the bill included a provision that preempted local air pollution control programs such as the one that Huntsville had enacted in the early 1960s.

The letters and telegrams sent to Governor Brewer, whether they came from leafy suburban enclaves or smoky industrial neighborhoods, had something in common. They

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[75] Daniel Payne Hale to Karl R. Bendestsen, February 15, 1969, Alabama Governor Administrative Files,1962-1978, SG022455, folder 17, ADAH.

came disproportionately from women, either writing on their own behalf or along with their husbands. Many of the letter writers expressed concern for their children's future. For example, in a letter opposing the Torbert bill, a Huntsville woman identified herself "[a]s a mother of four children, who is interested in safeguarding their future."[76] Similarly, an over-the-mountain woman informed the governor that she and her husband opposed the Torbert bill and supported Giles for the sake of their children: "Please give our children clean air to breathe."[77]

Around 1970, with the formation of an activist group made up mostly of college and medical students, women who challenged traditional gender roles got involved in the anti-pollution fight in Birmingham. But most of the women who supported strong air pollution control in the late 1960s and early 1970s did not consider themselves to be gender rebels. In fact, many viewed their activism on behalf of clean air as an extension of their roles as caretakers of their homes and families, a postwar version of the municipal housekeeping touted by some women in the Progressive era. Some Alabama women, such as members of the local League of Women Voters, were not new to political activity, but for many female supporters, it was a desire to protect their families' health that motivated them to get involved.[78]

The letters women sent to the governor were not simply the outpouring of concern from individual women and their husbands. Many of the letters were the fruit of a

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[76] Mrs. Robbie Neighbors to Albert Brewer, July 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH.

[77] Richardson to Albert Brewer, July 1969.

[78] Adam Rome notes, "Because the suburbs were domestic places—and women traditionally were caretakers of the domestic—threats to environmental quality in suburbia were threats to the women's sphere. The stakes were the sancity of the home and the well-being of the family. For many middle-class women, therefore, the environmental cause seemed a natural extension of their concerns as housewives and mothers." For a discussion of how many women based their environmentalism on traditional gender roles, see Rome, "'Give Earth a Chance': The Environmental Movement and the Sixties," 538; and Longhurst, *Citizen Environmentalists*, 85–111.

statewide campaign to mobilize opposition to the Torbert bill and support for the Giles bill. Birmingham physician A. H. Russakoff played a leading role in organizing the grassroots, and he depended on women's organizations to mobilize their members, as he made clear in a May 1969 letter to a Mobile woman interested in the clean-air movement.[79] Russakoff coordinated the clean-air campaign with some women's groups, particularly the Alabama Federation of Women's Clubs. He sent a check to Mrs. G. V. Gentle, who was affiliated with the federation, to cover the cost of an advertisement that ran in the *Post-Herald* during the U.S. Steel Stockholders meeting in 1969.[80]

The medical community, led by Russakoff, and women's groups played complementary roles in the push to defeat the Torbert bill. Russakoff was the main spokesman for the campaign, but the leaders of various women's groups around the state played a crucial role in getting their members to contact elected officials. Though a variety of women's groups, including the League of Women Voters, the American Association of University Women, and religious organizations, got involved, the state's garden clubs were of particular importance to the campaign. Garden club members and their leaders pressed state officials to oppose the Torbert bill. As early as April 1969, clubs around the state began mobilizing in opposition to the industry-backed bill. For example, the president of Federated Garden Clubs of Madison County in Huntsville, which included fifty-five garden clubs, wrote Gov. Brewer to oppose the bill. Two major concerns she expressed were the lack of local control and the inclusion of a grandfather clause. "As concerned citizens, we would like to see legislation enacted that would

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[79] A. H. Russakoff to Helen Dalton, May 20, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[80] A. H. Russakoff to Mrs. G. V. Gentle, June 23, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

enable this menace of air pollution to be virtually eliminated." The president, Carlene N. Elrod, included the signatures of more than sixty garden club members who joined her in opposing the present bill.[81] The executive board of the Garden Club of Alabama, Inc., passed a resolution in favor of the Giles bill and sent it, accompanied by several pages of signatures, to Gov. Brewer in July 1969. The state group's president also telegrammed Brewer to inform him that the more than 650 clubs in the organization supported the Giles bill.[82]

Though garden clubs are not usually associated with politics, they were well suited for the effort to defeat the Torbert bill. Many of these women lived in suburban areas in the state's metropolitan areas, especially Birmingham and Huntsville. Though suburban areas tended to be located away from industrial sources of pollution, they were not completely isolated. Suburban women could complain about the impact of air pollution on their neighborhoods without challenging any gender roles, since women were considered to be the caretakers of home life. As members of garden clubs, these women were concerned about the damage air pollution inflicted on nature, but they were also worried about its health effects. In many ways the movement led by Russakoff, a physician, was ideal for suburban women. They entered politics in the pursuit of traditionally feminine concerns, the protection of their families and neighborhoods, as well as the preservation of natural beauty.[83]

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[81] Carlene N. Elrod to Albert Brewer, April 2, 1969, Alabama Governor Administrative Files, 1962-1978, SG022455, folder 17, ADAH.

[82] Mrs. W. W. Anderson to Albert Brewer, July 22, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH; Resolution of the Alabama Garden Clubs Executive Board, July 22, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 10, ADAH.

[83] For an example of garden clubs getting involved in an environmentalist cause in Florida in the early 1960s, see Scott Hamilton Dewey, "'Is This What We Came to Florida For?': Florida Women and the Fight Against Air Pollution in the 1960s," *Florida Historical Quarterly* 77 (Spring 1999): 503–531.

Sometimes the concern about the impact of air pollution on nature and health overlapped with concerns about moral health. A woman from the over-the-mountain suburb of Vestavia Hills couched her support for Giles and opposition to Torbert in religious language, urging Brewer, "Let us not abdicate our roles as stewards of God's lovely and abundant gifts to stand by while greed -- short-sighted, mindless greed -- takes over to determine our future surroundings." For her, the air was not the only thing polluted in Alabama. She also praised Brewer for his efforts to restrict/ban pornographic films. "I applaud your action toward the films that would pollute the hearts and minds of our people. Continue thus. I pray our Lord's strength to sustain and guide you, Mrs. Brewer and your family."[84] Several other letter writers also embraced this broader view of pollution. A Hartselle couple urged the governor to "please get rid of those do-nothings in the legislature. So some bills may be passed that we can have clean literature, air, water and a better life for all our people."[85]

Though most constituent mail about air pollution came from Torbert opponents, a handful of letters supported the Torbert bill. All came from people who had some connection to industry. Typical was a letter from the manager of the Union Camp mill in Montgomery, who informed Brewer that the company supported Torbert and opposed Giles. Referring to the Torbert bill, W. Wyatt Shorter wrote, "This bill has been given careful thought by many groups for two and one-half years and during that time has earned the support of most interested groups. It is a reasonable bill which will get the job done. I understand Mr. Torbert has in his possession a statement that the bill meets the

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[84] Margaret Putman Minic to Albert Brewer, July 19, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 12, ADAH.
[85] Naomi Harvel to Albert Brewer, July 21, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH.

requirements for federal funding." Problems with the Giles bill, according to Shorter, included "the provision for a multiplicity of overlapping controlling agencies," inadequate industry representation on the air pollution control commission, and the absence of "a fixed time limit for compliance with regulations."[86]

Though letters and telegrams in opposition to the Torbert bill vastly outnumbered those in favor, the Torbert bill eventually passed and was signed into law by Brewer. As late as August 11, 1969, however, Gov. Brewer had not made a public announcement about which air pollution bill he favored. Referring to the Giles and Torbert bills in a form letter, Brewer wrote, "Even though we have some reservations about both these bills at this point, we are presently analyzing them and I assure you that I will not support an air pollution bill that is not strong and effective."[87] As late as August 13, 1969, Russakoff believed that Brewer would not support the modified Torbert bill.

> Lest there be any misunderstanding, Governor Brewer, let me say that I am for meaningful air pollution legislation, but even the more so am I interested in good government at all levels. Although I am not politically oriented I can see a windfall of opportunities for a governor who openly will act on behalf of the citizenry of this State on the question of air pollution legislation. Succinctly, I see many opportunities for you to become King Arthur rather than Don Quixote.[88]

An editorial in the *News* on August 13, 1969, indicated that the Giles bill was dead and that the Torbert bill was the only remaining air pollution bill with a chance of

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[86] W. Wyatt Shorter to Albert Brewer, July 15, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 10, ADAH.

[87] Form letter from Albert P. Brewer, August 11, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, Folder 11, ADAH.

[88] A. H. Russakoff to Albert P. Brewer, August 13, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM. In this instance, Russakoff's plea to Brewer supports James Longhurst's belief that citizen environmentalists were more interested in good government than in environmental issues. While Russakoff clearly became a strong critic of industrial influence on Alabama politics, for more than a year, he worked behind closed doors with industry representatives to work out a compromise. It was only when those efforts failed that Russakoff took up the banner of good government. He got involved with the issue in the first place because he wanted to protect the health of his community. Once he recognized the strength of industrial opposition to a strong air pollution law, he added more responsive government to his list of goals.

passage during the 1969 legislative session. The newspaper argued against the idea that the Torbert Bill was better than nothing. The *News* sided with supporters of stronger bills that it would be better to have nothing passed and have the federal Clean Air Act take precedence. The editorial encouraged Jefferson County legislators to vote against any bill that did not provide effective control. "Removing the pollutants from the air we breathe is very literally a matter of life and death. It ought to be treated as such."[89]

The revised Torbert bill moved through the House and Senate easily, despite Sen. Giles's attempt to make major changes to the bill. "Nothing is better than what we are passing," Giles said. "With passage of this bill," he said, "the big mules are in control."[90] Giles and other opponents of the Torbert bill were upset, but the turn of events pleased U.S. Steel's Earl Mallick. He thanked Brewer in an August 22, 1969, letter: "The news out of Montgomery last night on the air pollution front was good indeed. I certainly appreciate your helpfulness in getting these bills up and passed by both Houses."[91] Unlike the *News*, the *Post-Herald* was less hostile to the Torbert bill. In an August 23, 1969, editorial, the paper suggested that industry, with four seats on the air pollution control commission, would not be as dominant as supporters of a stronger air pollution bill argued. The paper also suggested that it was in the interest of industry to reduce air pollution: "Surely the leaders of industry are as aware of the vital need for eliminating pollution as anyone else. For a land which is made unfit for its people to live in will be just as unfit for industry as well."[92]

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[89] "Better Than Nothing," *Birmingham News*, August 13, 1969.
[90] "Clear Major Hurdle: Air Pollution Bills Closer to Approval," *Birmingham News*, August 22, 1969.
[91] Earl W. Mallick to Albert P. Brewer, August 22, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH.
[92] "The Torbert Amendment," *Birmingham Post-Herald*, August 23, 1969.

At the time, Brewer continued to state publicly that he had not yet made a decision on the air pollution law. In a reply to a United Steelworkers leader who had urged him to support the Giles bill, Brewer said that the bill that would eventually pass included "[s]everal amendments...which, in my judgment, greatly strengthened the bill." Brewer said he had not yet made up his mind on whether to sign the bill.[93]

Opponents of the bill once again pulled out what they believed was their most potent weapon—the threat of federal action. K. W. Grimley, the executive secretary of the Alabama Tuberculosis Association, passed on to Brewer the word from the federal government that the air pollution bill on his desk was unlikely to qualify for federal funding. In a letter that Grimley forwarded to Brewer, an official at the National Air Pollution Control Administration noted that the bill was essentially the same one that the agency had reviewed unfavorably earlier in the year. The official said that the agency's initial criticisms still stood. Various aspects of the bill "would seriously hinder if not make it impossible to control air pollution to a degree that would have any impact on air quality in Alabama."[94]

The efforts of anti-Torbert activists came to naught as Brewer signed the bill in September. A scathing letter from several Huntsville-area residents captured the difficult position of Brewer:

> We are in stunned amazement at the ignorance and selfish public-be-poisoned-and-go-to-hell attitude of the recent State Legislature which passed essentially the despicable, industrial-sponsored Torbert Bill whose purpose is to deny Alabama effective air pollution control....Perhaps the citizens of Alabama are as stupid as the politicians in Montgomery think

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[93] Albert P. Brewer to James Higdon, August 27, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH.

[94] K. W. Grimley to Albert Brewer, August 29, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH; K. W. Grimley to Albert Brewer, August 29, 1969, Alabama Governor Administrative Files,1962-1978, SG022455, folder 18, ADAH.

> them to be and deserve to have their lives shortened, property damaged, and environment blighted. Certainly, those State Senators who have effectively given industry a ten-year license for poisoning the public, destroying its property and the quality of the Alabama environment, are very poorly informed and/or have little other than contempt for the political power of the righteously indignant citizens. However, before we take action to protect ourselves and try to remove incompetence and/or corruption from the State Legislature, we would like an explanation from you, Governor Brewer – particularly in light of the seemingly sincere conservation speech you made recently – as to why you did not veto this infamous Act.[95]

Years later Brewer claimed that he signed the Torbert bill because he did not think that the Giles bill could pass. He made the pragmatic choice to sign a flawed bill rather than let the state go without a state air pollution law.

Brewer was probably right that the Giles bill could not have passed the 1969 legislature, even with his support. Yet it is difficult to believe that pragmatism was the only reason that Brewer signed the Torbert bill into law. He would be running against George Wallace in 1970 for the Democratic nomination, and Brewer knew that if he vetoed the Torbert bill, he would anger the state's industrial leaders, making them less likely to support his campaign. Of course, by signing the bill he upset many citizens who were the base for his various other reform efforts. The true pragmatic choice for Brewer may have been to anger clean air campaigners rather than industry leaders. The backing of industry was up for grabs in the 1970 campaign, but for Alabamians who were interested in air pollution control and reform-minded state government, they had little choice but to support Brewer over Wallace. Brewer attempted to redeem his credibility on the issue by calling on the legislature to beef up the air pollution law in 1970. As it turned out, Brewer beat Wallace in the first round of the Democratic primary but was

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[95] Hoyt M. Weathers et al. to Albert Brewer, September 19, 1969, Alabama Governor Legislative Tracking Files, 1955-1979, SG023188, folder 9, ADAH.

defeated in the runoff. Air pollution was not a major issue in the race. Brewer lost the runoff in large part due to a racist smear campaign by Wallace. After Brewer was defeated in his campaign that year, nothing came of his proposal to revise the state air pollution law.[96] Stricter air pollution control in Alabama would come only with the involvement of the federal government.

[96] For a discussion of Brewer, see Frederick, *Stand up for Alabama*, 240, 253–59; and Dan T. Carter, *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics* (New York: Simon and Schuster, 1995), 383–95.

Chapter 6

Turning to Washington to Get Montgomery to Act: Grassroots Activists Seek Help from the Federal Government

"People dying from respiratory diseases in crowded hospitals. Smoke billowing from steel mills. People coughing and gagging when they get up mornings. The works." Such was one description of "Clear and Present Danger," a television movie that aired in March 1970. In late 1969 the makers of the film, which presented a fictionalized account of an industrial city plagued by air pollution, had planned to shoot the movie in Birmingham. At the last minute, however, Mayor George Seibels refused to cooperate with the filmmakers, who then decided to shoot the film elsewhere. Despite the excitement of having a movie filmed in Birmingham, Seibels probably decided that having Birmingham be the setting for a movie about a city whose residents were dying because of its pollution was not the type of publicity his city needed. Even before footage of police dogs and fire hoses terrorizing African Americans were broadcast around the world in 1963, Birmingham had been portrayed in the press as a repressive and backward place. The last thing Birmingham needed was more bad press.[1]

Unfortunately for the city's boosters, bad press is just what Birmingham got in the spring of 1971. In late April the city experienced an extended episode of particularly bad air pollution. For several days in a row, levels of particulate matter in the air soared. On April 20, 1971, the city recorded its highest particulate count on record, more than three times the level considered safe by the Environmental Protection Agency (EPA). The Jefferson County health officer considered the situation "serious" but regretted that he

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[1] "People and Things," *Birmingham Post-Herald*, March 23, 1970; "Somebody Goofed—Tale of Movie Not Filmed in Birmingham," *Birmingham News*, March 23, 1970.

was powerless to act because of the 1969 state air pollution law, which pre-empted local air pollution control programs. The fact that the state health officer, who chaired the state air pollution board, was out of Alabama on the day of the spike in pollution highlighted the need for some local authority, the county official complained.[2]

However distressing this pollution was for Birmingham residents, it probably would not have made the national news if a local grassroots group had not set in motion a series of events that drew attention to the situation. Distressed by the pollution counts and frustrated with the state's feeble air pollution control program, leaders of the Greater-Birmingham Alliance to Stop Pollution (GASP) telegrammed U.S. Steel and other industries urging them "to curtail activity" until pollution levels dropped.[3] More importantly, the grassroots group alerted the EPA. The agency quickly sent representatives from its Durham, North Carolina, office to investigate, though the arrival of a cool front lowered pollution levels before the federal agency took legal action. Even this tentative federal intervention was sufficiently newsworthy to draw the attention of some national media outlets, including *The New York Times*.[4]

Though the EPA did not take legal action in April 1971, its readiness to do so represented the logical next step in a process by which the federal government gradually took on a more prominent role in the politics of air pollution in Birmingham. That involvement had begun in the 1940s with threats to withhold funds for airport improvements and wartime factories unless Birmingham cleaned up its air. In the late

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[2] "Health Officer Concerned—Pollution Soars, Is Termed 'Serious,'" *Birmingham News*, April 20, 1971.
[3] "Health Crisis Exists, Local Official Says," *Birmingham Post-Herald*, April 21, 1971.
[4] "If Needed, Pollution Official May Return," *Birmingham News*, April 22, 1971; "5-Day Smog Ends but Worry Still Grips Birmingham," *New York Times*, April 25, 1971. GASP was a popular name for anti-air pollution groups in the 1960s. Groups with the same acronym were active in several other cities, including Pittsburgh, Los Angeles, Washington, D.C., and Missoula, Montana. James Longhurst, *Citizen Environmentalists* (Medford, Mass.: Tufts University Press, 2010), 80. For more on the GASP organization in Birmingham, see below.

1950s the U.S. Public Health Service had provided the bulk of funding for the scientific study of air pollution in Birmingham. Finally, in the late 1960s and early 1970s, the enactment of several national environmental laws empowered federal air pollution control officials to pressure Alabama to meet clean air standards. For those who had opposed the 1969 air pollution law, the arrival of the EPA and the media attention it attracted provided just what they needed in their campaign for a new air pollution law.

Industry and its allies had prevailed in 1969 in the passage of a weak state air pollution law. But circumstances were different in 1971. On the federal level, Washington had more power to intervene in state environmental matters. Since the passage of the 1969 Alabama air pollution law, Congress had passed an amended Clean Air Act in 1970 that granted more extensive enforcement powers to the newly created Environmental Protection Agency as well as provided more opportunities for public input.[5] On the local and state level, a more vigorous and organized grassroots organization had developed to push for stronger air pollution control in Alabama. It was this group, GASP, that contacted the EPA in April 1971, setting in motion the events that led to the passage of a stronger state air pollution law later in 1971.

Of the two developments, greater federal involvement and a rejuvenated grassroots movement, the federal role was the more crucial one. Without federal pressure, it is unlikely that a new air pollution law, or at least one as strong, would have been

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[5] For a discussion of changes in federal environmental policy, see Scott Hamilton Dewey, *Don't Breathe the Air: Air Pollution and U.S. Environmental Politics, 1945-1970* (College Station: Texas A&M University Press, 2000); Michael E. Kraft, "U.S. Environmental Policy and Politics: From the 1960s to the 1990s," *Journal of Policy History* 12 (2000): 17–42. For a discussion of increased opportunities for citizen participation in air pollution control regulations, see Longhurst, *Citizen Environmentalists*, 12–22. For the history of the National Environmental Policy Act, see Matthew Lindstrom and Zachary Smith, *The National Environmental Policy Act: Judicial Misconstruction, Legislative Indifference & Executive Neglect* (College Station: Texas A & M University Press, 2001); and Ray Clark and Larry W. Canter, eds., *Environmental Policy and NEPA: Past, Present, and Future* (Boca Raton, Fla.: St. Lucie Press, 1997).

enacted in 1971. This does not mean that environmental activism was not important. Grassroots campaigners contributed to air pollution control in Alabama, but their efforts would not have been enough without the federal government. It is possible to imagine that Washington could have set clean air standards for Alabama without a strong grassroots movement, but the reverse is not true. It is unlikely that a grassroots movement would have achieved a stronger law in 1971 without federal involvement. The political influence of industry in Alabama was just too strong. The brilliance of GASP and other campaigners was that they understood the political climate in Alabama and knew that federal involvement was their greatest weapon. When pollution levels soared in April 1971, GASP first pleaded with local industries to cut back production temporarily, but they also contacted the EPA. Though weather conditions cleared the worst pollution before the federal agency took legal action, that possibility spurred state legislators to take serious action on a new air pollution law, something that had been discussed often but not acted upon since the passage of the 1969 law.

The increase in federal involvement in air pollution control in Alabama did not come as a surprise to those who had opposed the 1969 air pollution law. When Gov. Albert P. Brewer signed the bill that September, opponents were disappointed, but they did not accept that their campaign was over. During the debate most had stated that they had hoped to avoid federal intervention in Alabama's air pollution control, but now that an air pollution law that did not meet federal standards had passed, many activists hoped that Washington would soon get involved directly. Grassroots activists and local health officials who had long believed that they had the know-how to control Birmingham's

pollution if given the legal authority by the state government now reluctantly turned to Washington as they realized that they lacked sufficient political power in Montgomery.

A. H. Russakoff, the Birmingham physician who had led the campaign against the industry-supported 1969 air pollution law, was one of the activists who predicted that the deficiencies of the law would lead to federal involvement. A month after the law was signed, Russakoff and his colleagues on the air pollution committee of the Jefferson County Medical Society wrote

> It would appear that the silent persuaders who represent a handful of polluters have decidedly more influence on our Legislative Delegation than do the thousands of individuals who wrote asking for effective clean air legislation. What we the people now have is a do-nothing law, one which we are told will not be supported by federal grants-in-aid. Apparently this is exactly what the polluters wanted. Although we have lost the 'battle' in the State Legislature, perhaps the people of this community have not yet lost the 'war.' Birmingham is listed as a major air corridor by the National Air Pollution Control Administration. Representatives of that Agency soon will come into this community. They will deal directly with the polluters under the provisions of the Federal Clean Air Act of 1967.

Russakoff's committee scolded in advance supporters of the 1969 law for complaining about federal involvement:

> When those polluters then appeal to the citizenry complaining of federal intervention let them be reminded that they had their chance to allow our State to handle its own problem during the past Legislative Session. When our local politicians proclaim that the actions of the National Air Pollution Control Administration constitute an abridgement of States' Rights, let them be reminded that they ignored the mandate of their constituents.[6]

Believing that state government had let down the people of Alabama, the committee held out hope that the federal government eventually would intervene to clean up Alabama's air.

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[6] A. H. Russakoff et al. to Birmingham News, October 13, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, Birmingham Public Library Department of Archives and Manuscripts (BPLDAM).

Around the same time, Russakoff informed the National Air Pollution Control Administration that he did not consider the passage of the 1969 law to be the end of the battle over air pollution control in Alabama. In an October 15, 1969, letter to John T. Middleton, the agency's commissioner, Russakoff wrote,

> When the National Air Pollution Control Administration comes into Birmingham under the auspices of the Federal Clean Air Act of 1967, please be assured that its efforts will be supported by countless groups as well as thousands of exorcised citizens. It is a fact that the Association [sic] Industries of Alabama is not monolithic on this issue. Countless non-polluters are privately in favor of effective air pollution control although for reasons of expediency they have remained tacit.[7]

Another veteran of Birmingham's clean air movement, retired Jefferson County health officer George A. Denison, also looked to the federal government now that local and state efforts to enact a strong air pollution law had failed. He wrote Middleton in October 1969, "In spite of well conducted and concerted efforts the industrialists have had their day with the legislature, and we can only look forward, hopefully, to direct intervention in the Birmingham area by your Commission."[8] Middleton offered his agency's support in his reply to Russakoff, telling him "that the National Air Pollution Control Administration will continue to assist you and your Committee in the difficult months ahead. My hope is that you will continue your personal involvement and that you will continue to stimulate the interest of your fellow physicians. Please do not hesitate to call on us."[9]

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[7] A. H. Russakoff to John T. Middleton, October 15, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.
[8] George A. Denison to John T. Middleton, October 17, 1969, RG 412, Records of the Environmental Protection Agency, Office of Air Programs, Administrative Subject Files, 1966–1972, Box 8, National Archives II, College Park, Md.
[9] John T. Middleton to A. H. Russakoff, November 24, 1969, file 1278.1.3, A. H. Russakoff Air Pollution Files, BPLDAM.

Federal air pollution officials did not wait for Alabamians to call them. They wasted no time in getting involved in air pollution control in Alabama, though it would be a couple of years before they would take legal action. When Gov. Brewer signed the air pollution law, federal air pollution officials soon made clear that the law was not up to snuff. Gene H. Welsh, regional air pollution control director for the U.S. Public Health Service, called the new Alabama air pollution law "half baked and ridiculous." Speaking in Nashville soon after the passage of the law, Welsh said that he had offered to help Brewer's legal adviser "work out an acceptable law," but nothing came of the offer.[10] Welsh and a colleague had tried to meet with Gov. Brewer as air pollution bills had been debated in the spring of 1969, but they could not get even "a brief appointment" with the governor.[11] Based on Birmingham's designation as one of 37 federal air quality control regions, Welsh predicted that the federal government would take action to reduce air pollution in the area. The state was unlikely to receive federal air pollution funds, according to Welsh, noting that such funds had been eliminated after the state failed to pass an air pollution law in the 1967 legislative session. "We're in a new ball game. There will be no more federal funds unless a state makes satisfactory progress....In the past we have attempted to control air pollution by being a bunch of nice guys who used conferences, conciliation and persuasion. The new theory is a lot of court action and a minimum of conferences and persuasion."[12]

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[10] "Federal Grant Unlikely: Official Labels State Air Pollution Act Ridiculous," *Birmingham News*, September 14, 1969.
[11] Gene B. Welsh to Hugh Maddox, April 9, 1969, RG 412, Records of the Environmental Protection Agency, Office of Air Programs, Administrative Subject Files, 1966–1972, Box 8, National Archives II, College Park, Md.
[12] "Federal Grant Unlikely: Official Labels State Air Pollution Act Ridiculous."

Soon after Brewer signed the bill, the federal government indeed cut off air pollution funds to Alabama. According to a *News* article, however, federal officials knew that the impact of this move was limited. The federal government could deny funds to Alabama but it did not have the power to force the state to comply. Federal law only allowed Washington to intervene if a state's governor asked it to. The exception was "when more than one state is involved." The *News* reporter suggested, however, that Alabama's move might backfire by strengthening "a movement now underway in Congress to give federal officials authority to crack down on polluters when states refuse to act."[13]

Supporters of the newly passed bill did not hesitate to contact federal officials that fall. Sometime in September 1969 several industry officials, state legislators, and congressmen had an unpublicized meeting in Washington with William Megonnell, the assistant commissioner of the National Air Pollution Control Administration. According to an October 1969 *News* article about the meeting, the federal government laid out certain conditions under which Alabama could qualify for federal matching funds to control air pollution. Several people at the meeting reportedly expressed dissatisfaction with Gene Welsh, though Megonnell and John T. Middleton, the commissioner of the National Air Pollution Control Administration, who attended part of the meeting, defended the Atlanta-based regulator.[14] Whether or not the Alabama delegation tried to get rid of Welsh is unclear, as records of the meeting are not available.

Rumors of efforts to oust Welsh, however, motivated Russakoff and other clean air advocates to rush to the federal official's defense. George A. Denison, the retired

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[13] "U.S. Cuts Clean Air Funds to Alabama; State Holds Trump," *Birmingham News*, September 17, 1969.
[14] "'Positive Action' Will Push Pollution Funds," *Birmingham News*, October 23, 1969.

Jefferson County health officer, praised Welsh in a letter to Middleton and urged the air pollution commissioner to resist "the cult of air polluters in Alabama."[15] When the air pollution committee of the Jefferson County Medical Society became aware of the supposed campaign against Gene Welsh, the committee passed a resolution to praise him. The resolution, issued on November 6, 1969, noted "his courageous efforts to make possible the control of air pollution and the preservation of the quality of the air of Alabama."[16] Russakoff told supporters in early November 1969 that he suspected that people affiliated with Associated Industries of Alabama (AIA), the trade group for Alabama industries, were plotting against Welsh, and he organized a campaign to support the federal official.[17] An Alabama congressman who had attended a meeting at the National Air Pollution Control Administration denied hearing any discussion of ousting Welsh.[18] Another Alabama representative who had not attended the meeting but had sent an assistant said that dissatisfaction with Welsh did come up, though the aim had not been to oust the federal official. Referring to the speech Welsh made in Nashville soon after the passage of the Alabama air pollution law, Rep. Bill Nichols reported to Russakoff, "There was expressed concern that Mr. Welch [sic] had been too quick to go to another state to criticize Alabama before he had made an effort to take the matter up with the state officials who were also concerned with these pollution problems."[19]

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[15] Denison to Middleton, October 17, 1969.
[16] "Resolution Adopted by the Air Pollution Committee of the Jefferson County Medical Society", November 6, 1969, file 1278.1.11, A. H. Russakoff Air Pollution Files, BPLDAM.
[17] A. H. Russakoff to Joe, November 7, 1969, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM; form letter from A. H. Russakoff, no date, file 1278.1.3, A. H. Russakoff Air Pollution Files, BPLDAM.
[18] Walter Flowers to A. H. Russakoff, December 12, 1969, file 1278.1.3, A. H. Russakoff Air Pollution Files, BPLDAM.
[19] Bill Nichols to A. H. Russakoff, January 2, 1970, file 1278.1.3, A. H. Russakoff Air Pollution Files, BPLDAM.

Any effort to remove Gene Welsh, rumored or true, was unsuccessful. The same was not the case, at least temporarily, of a campaign to remove Russakoff from his position as chair of the air pollution committee of the Jefferson County Medical Society. In February 1970 the executive committee of the society announced that Russakoff would be a member, not the chairman, of its air pollution committee.[20] Expressing surprise at this move, Russakoff declined to serve on the committee.[21] When the change was made public, the society's president called the matter "routine." James A. Davis told the *News*, "Changes in various committees are made each year at this time."[22] Though Russakoff did not publicly challenge the medical society president's explanation at the time, it was clear, based on his later recollection of the event and on correspondence with his supporters at the time, that he believed that he was being targeted for his opposition to the industry-backed air pollution law.

Russakoff received several letters of support, including one from an emphysema patient of his who wrote, "I noticed where the 'big mules' had you replaced as chairman of the Jefferson County Pollution Board. This indicates that you were doing a fine job, and it is a pity that men of your type are not appreciated in their efforts to maintain the health of all the people."[23] By the time Russakoff replied, he had been reinstated as chairman of the air pollution committee. "There is quite a story behind the story, and perhaps one day I can tell you all," he wrote his emphysema patient. Russakoff's reply illustrated that although he had become deeply involved in politics, he remained a

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[20] Gray C. Buck Jr. to A. H. Russakoff, February 26, 1970, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM.
[21] A. H. Russakoff to Gray C. Buck Jr., March 2, 1970, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM.
[22] "Committee Chief--Pollution Fighter Not Re-nominated," *Birmingham News*, March 3, 1970.
[23] I. J. Scott to A. H. Russakoff, March 5, 1970, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM.

concerned, perhaps nagging, physician at heart. "I am glad to hear that you are getting along better, but I must encourage you to make a continuing and concerted effort to lose weight. Just as I am continuing my 'fight',[sic] I hope that you will continue your fight against caloric intake."[24]

The "story behind the story," according to Russakoff, was that industrial leaders had pressured the medical society to remove him as chair of the air pollution committee. Russakoff's history with industry in Birmingham was complicated. During the 1950s and 1960s, he had served as a consultant to Lloyd Noland Hospital, which was affiliated with Tennessee Coal, Iron, and Railroad Company (TCI), a division of U.S. Steel. As a part of this work, Russakoff examined many coal miners who were involved in lawsuits about silicosis and other lung diseases. According to Russakoff, though he insisted "that no one was to alter my cross of the 't' or the dot of an 'I' in my assessment of plaintiffs, the opposition classified me as the enemy of the working man." After being appointed the chairman of the medical society's air pollution committee and resigning his consulting position with Lloyd Noland, he soon "became the enemy of major industry," he later recalled. In an interview about his career, Russakoff said that industry began to target him once he became the public face of the clean air movement in Birmingham: "The opposition didn't hesitate to attempt to undermine me sub rosa, both personally and professionally. As a result of this involvement, a number of industrialists terminated their doctor-patient relationship with me."[25]

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[24] A. H. Russakoff to I. J. Scott, March 9, 1970, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM; "For Medical Society—Russakoff to Head Air Pollution Fight," *Birmingham News*, March 8, 1970.

[25] J. Mack Lofton Jr., *Healing Hands: An Alabama Medical Mosaic* (Tuscaloosa: University Alabama Press, 1995), 163.

The influence of industry on the medical society was overwhelmed by public pressure, according to Russakoff. As he recalled it, Russakoff was very quickly offered the chairmanship back after the story was publicized by local radio stations, television stations, and newspapers.

> There was actually a public outcry against this action. Subsequently, I received a call from the president asking me to come to his office in order to discuss this situation. He asked me to resume as chairman of the committee. I had made no public statement when the ouster occurred, but I told the president that I had the option of refusing his offer and washing the 'dirty linen' of the society in public. I told him that I chose not to take that position and that I would continue to work for clean air with the proviso that I brook no further interference from the society. I also told him that on the day that the state legislature enacted the good air pollution bill, 'You can shove the job up your ass.'[26]

Russakoff did not state whether he made good on his promise when the legislature enacted a stricter air pollution bill in 1971. The month after he was reinstated as chairman, though, he and county health officer George Denison were honored for their work on air pollution at the medical society's dinner. Russakoff's triumph suggested that the influence of the Big Mules of industry, despite their legislative victory in 1969, was diminishing. If Russakoff's explanation was accurate, grassroots activists who complained to the county medical society proved capable of challenging industry's influence in Birmingham.[27]

Even before the Alabama Legislature passed the 1969 air pollution law that did not meet federal standards, the National Air Pollution Control Administration was

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[26] Ibid.

[27] "Doctors Honored for Pollution Fight," *Birmingham News*, April 7, 1970. As Christopher Scribner has argued, there was a long-running conflict over Birmingham's economic future between supporters of heavy industry and advocates of a more diversified economy. During the debate over the 1945 smoke ordinance, the Big Mules were much more powerful than their opponents, but this incident reflected a power shift away from industry leaders, with much of the power going to people affiliated with the city's growing medical center. For more on the conflicting visions of Birmingham, see Christopher MacGregor Scribner, *Renewing Birmingham: Federal Funding and the Promise of Change, 1929–1979* (Athens: University of Georgia Press, 2002), esp. 1–7.

already making plans to establish an air quality control region in the Birmingham metropolitan area. Birmingham was to be one of the first thirty-two air quality regions established in the nation. Doyle J. Borchers, an assistant commissioner for regional activities at the National Air Pollution Control Administration, outlined the structure of the federal air pollution control regions in a November 1969 letter:

> The official designation of a region by the Secretary, Department of Health, Education, and Welfare, sets in motion the machinery for regional air pollution control. Alabama is then expected to adopt air quality standards for the region and establish plans for implementation of those standards. These standards and plans must be submitted to the Department of Health, Education, and Welfare for review. In this manner we hope to encourage and assist in the development of a regional approach to air pollution control in the Birmingham area.[28]

The power of the federal government to regulate air pollution in the states would be expanded by amendments to the Clean Air Act in 1970, often referred to as the Clean Air Act Amendments or simply the Clean Air Act of 1970.[29] In late 1969, however, the expectation was that Washington would set standards but the states would establish a process of enforcing them.

One of the first steps in the establishment of an air quality control region was to hold a public meeting with local officials. Such a meeting was held in Birmingham on December 17, 1969. Much of the meeting was devoted to a discussion of the boundaries of the air pollution control region, with many residents of Tuscaloosa, located in the county adjacent to Jefferson County, pushing for its inclusion in the Birmingham region. Federal officials also presented previously released findings from federally funded

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[28] Doyle J. Borchers to George A. Denison, November 5, 1969, RG 412, Records of the Environmental Protection Agency, Office of Air Programs, Administrative Subject Files, 1966–1972, Box 8, National Archives II, College Park, Md.

[29] To avoid confusion, I refer to the 1970 legislation as the Clean Air Act of 1970.

research indicating that industrial emissions, especially particulate matter, were the most significant air pollution problem in the Birmingham area.[30]

The meeting also offered local officials a chance to express their frustration with the course air pollution control had taken in Alabama. The testimony of Guy Tate, Deputy Health Officer of Jefferson County Department of Health, exemplified a changing attitude toward the federal-state balance in air pollution control:

> This Department, to which I have been associated with for thirty years, has been actively working on trying to get something done about air pollution control in Jefferson County and in the City of Birmingham for over fourteen years; and I am sorry to state that the only thing that we have accomplished was to gather enough material together whereby the Federal Government can see fit to come in here and make some specific statements. It is a sad state of affairs. I only hope that this day marks the beginning of a sincere control program for Jefferson County and the region. I can assure you that the Jefferson County Health Department will support any action in this direction. I only hope that we will have some influence to amend our existing State air pollution law, which will not get anything done under nine or ten years. This to me is tragic. I must also state that this same legislation exempts anybody else from trying to do anything. I certainly hope that this can be changed; and if it isn't changed, I hope that the Federal Government comes in here and does something about it.[31]

Throughout the 1960s most advocates of strict air pollution control in Alabama had favored a limited role for the federal government. They preferred that Washington provide funding and technical assistance but that state and local authorities set and enforce pollution limits. After the defeat of their favored bill in the 1969 legislative session, many local advocates and health officials were ready for the federal government to take a much more active role.

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[30] *Consultation on Metropolitan Birmingham Intrastate Area* (Birmingham, Ala., December 17, 1969), RG 412, Records of the Environmental Protection Agency, Office of Air Programs, Administrative Subject Files, 1966–1972, Box 8, National Archives II, College Park, Md.
[31] Ibid.

Though the official designation of the Birmingham air quality control region in February 1970 did not immediately bring the type of enforcement that Guy Tate, the Jefferson County health officer, and other advocates wanted, it did establish a timetable under which the state of Alabama was to set minimum air pollution standards for two pollutants, sulfur oxides and particulate matter, and come up with an acceptable plan for implementing those standards.[32] Gov. Brewer met the June deadline to submit an intention to establish air quality with federal regulators, but federal officials decided that the Alabama air pollution law was not stringent enough to meet federal funding. The state's application for a $600,000, three-year grant was denied. Federal officials, however, expressed willingness to meet with the state air pollution control board to identify changes to the state air pollution law that would meet federal standards and qualify for federal funding.[33] With the air pollution regime in flux in Alabama, the National Air Pollution Control Administration continued its preparations for public hearings in Birmingham in October 1970.

As officials at the National Air Pollution Control Administration proceeded along a trajectory of greater federal involvement in 1970, local environmental activism entered an important new phase. Grassroots support for air pollution control in Birmingham was nothing new, of course. People living near pollution sources had been complaining for decades. During the 1960s more and more suburbanites, particularly women, began pushing for a state air pollution law. It was this group that had formed the largest portion of Russakoff's unsuccessful opposition to the industry-backed air pollution law in 1969.

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[32] Secretary of Health, Education, and Welfare to Albert P. Brewer, February 25, 1970, Alabama Governor Administrative Files, SG022673, folder 13, Alabama Department of Archives and History (ADAH).
[33] "State Still Seeks Clean Air Funds," *Birmingham News*, July 30, 1970; Albert P. Brewer to John T. Middleton, June 2, 1970, Alabama Governor Administrative Files, SG022673, folder 13, ADAH.

Joining the anti-air pollution crusade in 1970 was an important demographic group that had played only a minor role to date: young adults. Students at several Birmingham-area colleges and universities, but especially medical and science students and other young adults affiliated with the University of Alabama at Birmingham, organized on behalf of air pollution control and other environmental issues in the early months of 1970. The group they founded, GASP, would go on to be a key player in increasing federal pressure to implement air pollution control in Alabama.

GASP did not develop in isolation from the existing clean air movement in Alabama, but it did provide the effort with a well-timed infusion of enthusiastic supporters. It also represented the next stage in grassroots activism in Alabama, one in which air pollution was considered in a broader environmentalist context. First led by a surgery resident at the Medical College of Alabama, which would later become the University of Alabama at Birmingham (UAB) Medical Center, GASP had a well-connected advisory board that included the president of UAB, Russakoff, and representatives from various women's groups and environmental organizations. The mostly young adult members of GASP concentrated on the air pollution issue in 1970 and 1971, but the group's founders claimed a broader environmental mission for the group: "GASP will give responsible people of the area a chance to examine the facts about the environmental crises, and an opportunity for constructive civic service by helping to make Birmingham and Jefferson County a better place to live."[34] The leaders of GASP were not the first to discuss "environmental crises" in Alabama. Plenty of Alabama residents had written to the governor to express their concern about maintaining a clean

[34] "Greater-Birmingham Alliance to Stop Pollution (GASP, Inc.)", March 2, 1970, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM.

environment for their children. Though not the first or only people to speak broadly of environmental concerns, the young adults of GASP played an extremely important role in publicizing them, particularly in their first major project, the organization of local activities on the first National Environment Day, which would later be known as Earth Day in April 1970.[35]

A *Post-Herald* editorial that ran a few days before the first Earth Day characterized the anti-pollution movement that was rapidly growing in 1970:

> The community has always had sportsmen who complained that industry was threatening their game and fish. Another breed of characters written off previously as health nuts told us we were choking to death on our own refuse.
> But not until very recent days did a substantial segment of the population organize to get something done. To talk about reclaiming and preserving the environment is to talk about social change, and as much of society as possible must be represented in any effective effort to bring about such change.
> In the Birmingham environmental effort can be seen the scientific community of physicians and scientists stimulated by concerned students. Informed laymen have joined them in an effort to enlist support of women's clubs and other social organizations. And state and local politicians—always better followers than leaders in time of social change—are starting to sense the movement.[36]

The *Post-Herald*, long less active in the push for air pollution control than the *News*, exaggerated the suddenness with which the environmental movement had developed in Birmingham, as significant numbers of Alabamians had made their views known during

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[35] "GASP to Try Involving People: Antipollution Group Formed in City," *Birmingham News*, March 13, 1970; Adam Rome has placed the environmental movement in context of other social movements of the 1960s, including the involvement of young adults in various causes. Rome argues that young people from a variety of ideological backgrounds became involved in the environmental movement, though the movement was of particular interest to those involved in the counterculture. Young people who identified as "hippies" may have supported environmentalism in Birmingham, but the young adults who led GASP were anything but countercultural, with many of them medical students, resident physicians, and science graduate students. They were very similar to Russakoff and leaders associated with UAB who envisioned a Birmingham in which heavy industry was not the dominant sector of the economy. See Adam Rome, "'Give Earth a Chance': The Environmental Movement and the Sixties," *Journal of American History* 90 (September 2003): 525–554.

[36] "Stick with It," *Birmingham Post-Herald*, April 15, 1970.

the 1969 debate over the state air pollution law, and several environmental organizations, including the Alabama Conservancy, had formed during the previous few years. But the editorial did capture what seemed to be a rejuvenation of an environmental movement in Birmingham in the spring of 1970. Even Russakoff, who had usually described the push for air pollution control as primarily a health issue, began to draw on broader environmentalist philosophies in his speeches, quoting from such environmentalist luminaries as Paul Ehrlich. What did not change overnight was the influence of industry in Alabama politics. Despite a growing movement to tighten air quality standards, the 1969 law would not be revised or replaced in 1970. However, the rejuvenation of the clean air movement by GASP and others in early 1970 would eventually lead to a successful 1971 effort to harness federal pressure to get the Alabama Legislature to enact more stringent standards.

Though the students and other young adults who made up the bulk of GASP's membership provided a burst of youthful energy to the environmental cause in Birmingham, the new group did not push aside veteran clean air advocates. Those groups and individuals played a key role in supporting GASP. The old and new worked closely during 1970 and 1971. Marshall Brewer, a surgical resident at the Medical College of Alabama, served as GASP's first president. According to Brewer, a small group of young people met in early 1970 "to determine what they could do." By the time GASP incorporated in February, it included around sixty student and young adult members. Members represented all local colleges and universities, including traditionally African American schools Miles College and Wenonah State Junior College, now Lawson State Community College. Though the group's name clearly referred to the impact of air

pollution in Birmingham, GASP's founders envisioned broad environmental goals. In the announcement of its incorporation, the group wrote: "The purpose of the Greater-Birmingham Alliance to Stop Pollution, Inc., is to promote better living conditions in the Birmingham area by initiating and promoting efforts to reduce environmental pollution."[37]

The first such effort at promoting the environmental cause was the inaugural observation of Earth Day in April 1970. GASP was the leading organizer of Birmingham's festivities, which went by various names in the weeks leading up to it, including National Environment Day and Right-to-Live Week.[38] Earth Day in Birmingham was typical of Earth Day activities around the nation in two ways. Many Earth Day projects were led by students and young professionals like the leaders of GASP. In addition, the impact of Earth Day was felt beyond April 22, 1970. As was the case in numerous other cities, many participants in Earth Day activities in Birmingham became involved in environmental causes, particularly the push for a stronger state air pollution law. GASP and its supporters would play a key role in the eventual passage of a new state air pollution law in 1971.[39]

Even before Earth Day happened, GASP's leaders wasted no time in taking their message to the public and encouraging citizens to make demands of their elected officials. In March 1970 GASP president Marshall Brewer appeared on a panel at the annual legislative workshop of the Alabama Federation of Women's Clubs along with several people who had been involved in the air pollution issue for several years: Ira

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[37] "GASP Statement of Purpose and Roster," 1970, collection 2.1.3, Administrative Files, Vice President for Health Affairs, folder 9.25, UAB Archives, University of Alabama at Birmingham (UAB).
[38] Ibid.; "'Right to Live' Rally Draws 2000," *Kaleidoscope*, April 22, 1970.
[39] For a discussion of Earth Day that places the events in Birmingham in a national context, see Adam Rome, "The Genius of Earth Day," *Environmental History* 15 (April 2010): 194–205.

Myers, the state health officer; Guy Tate Jr., the Jefferson County health officer; and A. H. Russakoff. Referring to the 1969 air pollution law, Brewer told the women's group, "The present legislators have given you an air pollution bill that one member of the Governor's Commission [on air pollution] has called a farce and a license to pollute." He encouraged them to contact the candidates running in the May primary and ask them about their environmental positions.[40] Speaking at a March meeting of the Young Men's Business Club, Brewer argued that cleaning up the air made good business sense. He told the group that GASP supported government aid, such as tax exemptions, for businesses that install pollution controls. He touted the economic value of an environmental amenity such as clean air, saying that reducing air pollution in Birmingham would make the city more attractive for new businesses.[41]

The preparations for Earth Day caused some concern among industrial leaders in Alabama. In a March 30, 1970, memorandum to its members the Associated Industries of Alabama, the industry trade group, warned

> If your business or industry is a sizeable Alabama employer, has had any 'environmental' problems (like water pollution, air pollution, thermal pollution, noise, is ugly or offensive to the eyes or nose, etc.), is located near a college campus, or a high school where ecology-type subjects are taught or more-idealistic-than-usual faculty teach --- you may be hearing more about April 22, 1970 -- Earth Day.
> Of major importance is the fact that the program appears to be motivated by sincere efforts at educating and informing people about environmental problems. But good intentions will not guarantee that radical elements may not seek to disrupt or sieze [sic] control of the teach-in; this is a probability on many college campuses.
> In case you are contacted in behalf of April 22 -- Earth Day, all we can tell you is that it appears to be sincerely-motivated and responsibly-led at the

[40] "Get Tough on Pollution, Experts Ask," *Birmingham News*, March 20, 1970.
[41] "Birmingham No. 2 in Air Particulates, GASP Chief Says," *Birmingham News*, March 30, 1970.

> present time. It could be disrupted or taken over by radical elements, and if you decide to get involved -- use caution !!![42]

By most standards, GASP members who planned Earth Day were "sincerely-motivated" not "radical elements." Industry did have reason to worry. GASP leaders were not anti-industry or anti-business, as Brewer had made clear in his speech touting the business benefits of pollution control. Yet it was true that the organizers of Earth Day did not shy away from criticizing industry, particularly U.S. Steel, for what they perceived to be a poor environmental record.[43]

Earth Day-related activities were held throughout Right-to-Live week, but the most high-profile events in Birmingham occurred on Earth Day itself, April 22, 1970. These included a morning speech at Birmingham-Southern College by J. D. Braman, an assistant secretary in the U.S. Department of Transportation. Several other colleges, including UAB and Samford University, held programs featuring local speakers, while Miles College held a mock funeral for "John Smogg." The culmination of the day's events was a "Right to Live" rally at Municipal Auditorium, attended by an estimated 2,000 people. Speakers included a special assistant to the President's Environment Commission and a special assistant to the U.S. Secretary of the Interior.[44] Also speaking was John Jenkins, a longtime tuberculosis activist and member of the state air pollution commission, who told the crowd, "Damn the costs, we want clean air."[45]

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[42] "Memorandum from Associated Industries of Alabama," March 30, 1970, collection 1.3.1, Administrative Records of the President, folder 30.89, UAB.
[43] After decades of cooperation between industry and clean air campaigners, by the late 1960s industry faced a much more confrontational environment in the United States, including Birmingham. See Frank Uekoetter, *The Age of Smoke: Environmental Policy in Germany and the United States, 1880–1970* (Pittsburgh: University of Pittsburgh Press, 2009), 230–31.
[44] "Thousands to Observe Earth Day Program," *Birmingham Post-Herald*, April 22, 1970; "'Right to Live' Rally Draws 2000."
[45] "City Challenged to Enact Own Pollution Laws," *Birmingham Post-Herald*, April 23, 1970.

Though language like this may have convinced industry leaders that Birmingham's Earth Day had, indeed, been "taken over by radical elements," it was industry's old adversary, A. H. Russakoff, who made some of the most provocative statements on Earth Day. Addressing the evening rally of people mostly decades younger than himself, Russakoff said, "All of us here do not equate long hair, beards and funny dress to hippie-ism, because are [sic] do nothing people, and you are here to do something." He encouraged the audience not to believe the "misinformation" that industry was spreading about pollution. At events throughout the day, Russakoff railed against industry and what he characterized as its determination to thwart significant air pollution control in Alabama.[46]

From the speech Russakoff delivered at the teach-in at Birmingham-Southern College on the morning of Earth Day, it was clear that the man who had begun the campaign for air pollution control out of sense of duty as a physician had developed a broader environmental consciousness characteristic of many people involved in the environmental movement of the time. Russakoff would later credit his experience with Earth Day as opening his eyes to a wider environmental outlook, but it was clear from his words on Earth Day that this transformation had already begun. Russakoff did not abandon his health-based arguments, but in the Birmingham-Southern speech and others given in 1970, he expressed fears not only about the health of individual people but about the survival of humanity. He told his Birmingham-Southern audience, "We all know why we are here this morning. This is not a frivolous occasion. We are here, because we have been told by reputable scientists, that we may be on a collision course with doomsday."

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[46] Ibid.

Cleaning up the air—and the rest of the environment—was not simply a matter of personal health or aesthetics but one of survival, Russakoff declared:

> We are all interdependent in this 'space capsule'---the rich, the poor, the polluter, the non-polluter, and indeed the black and the white. When one contemplates the depletion of the oxygen sources of this biosphere---and it is happening---we find that we are verily brethren in a womb---for what happens to one of us is bound to happen to all of us.

Though photos show that Russakoff had not grown out his hair, in some ways his language was much more radical than many of the young adults leading Earth Day in Birmingham.[47]

But Russakoff did not devote his entire speech to broad environmental themes. He also criticized Alabama industry and the 1969 state air pollution law. Russakoff declared, "A handful of powerful polluters, whose names are among the bluebloods of Wall Street, demonstrated once again that their selfish financial interests take precedence over such humane considerations as the health and welfare of people." Russakoff discussed in detail the weaknesses of the state law and then called for national and state laws to force polluters to clean up. To make this happen, he called on his audience to become active in politics:

> So here we are on Earth Day, facing facts, asking ourselves to make existential decisions---for ourselves as individuals and for all mankind. But then we ask ourselves: What can we do about these problems? There is only one answer---it is political!! The time for persuasion and conciliation is long since passed. You and I know that we want clean air---and the sooner the better. But you and I also know very well how the polluters operate.

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[47] A. H. Russakoff, "Environment Teach-In Day Speech April 22, 1970," April 22, 1970, file 1278.1.14, A. H. Russakoff Air Pollution Files, BPLDAM; A. H. Russakoff, "Speech at Montgomery Unitarian Church," March 28, 1971, file 1278.1.7, A. H. Russakoff Air Pollution Files, BPLDAM. Quotations are from Russakoff's April 22, 1970, speech. Russakoff discussed his environmental transformation in his Montgomery speech.

With his call for political action, Russakoff epitomized Earth Day in Birmingham. Though the day's activities dealt with broad environmental themes, the intended result was not simply greater awareness among Birmingham's youth but enthusiastic participation in the political process to implement stronger pollution control.[48]

The students and young professionals who led GASP did not replace veteran clean air campaigners, but their efforts, Earth Day in particular, drew in a younger generation. Though many young adults in Alabama likely supported tougher air pollution control, they had not been major players in the 1969 air pollution campaign. GASP represented the next stage of a small but growing environmental movement in Birmingham. In the years after the first Earth Day, its leaders would work with other anti-pollution activists to raise awareness about air pollution and pressure politicians to enact tougher legislation. As UAB president Joseph F. Volker wrote to the group in June 1970, GASP served as "a catalyst in the Birmingham community in bringing to the attention of the local and state government and the individual citizens the magnitude and consequences of our pollution problems and the need for early and effective remedial action." Referring to GASP president Marshall Brewer, Volker wrote, "By his example, Dr. Brewer has inspired many others to work harder to resolve a major community health hazard."[49] It is important not to emphasize the importance of GASP at the expense of those who had long been working for air pollution control. Rather than replace Russakoff and other veteran activists, GASP worked closely with them, often times in a supporting rather than leading role.

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[48] Russakoff, "Environment Teach-In Day Speech April 22, 1970."
[49] Joseph F. Volker to Greater Birmingham Alliance to Stop Pollution, June 1, 1970, collection 1.3.1, Administrative Records of the President, folder 30.89, UAB.

The main goal of clean air advocates in 1970 was the revision or replacement of the 1969 state air pollution law. Though this effort would be unsuccessful in 1970, the campaign helped create an environment in which federal involvement in the Birmingham air episode in April 1971 would push legislators to replace the law in the summer of 1971. The year 1970 began with the state air pollution commission calling for the revision or replacement of the 1969 law that had established the commission. At the same time activists began pressuring politicians to support stronger legislation, focusing their efforts on candidates running in the May 1970 primaries and on Gov. Albert Brewer, who they wanted to call a special legislative session to deal with air pollution. Finally, clean air activists concentrated on getting people to attend the October 1970 hearings held in Birmingham by the state air pollution control commission. Though activists were not able to celebrate any legislative victories in 1970, they were able to draw a crowd of an estimated 1,500 people to the October hearings.[50]

To opponents of the 1969 law who had been concerned that the state air pollution commission created by the legislation would be too supportive of industry, the commission's first meeting was probably a pleasant surprise. Commission member John Jenkins, a Birmingham attorney and longtime anti-tuberculosis and anti-air pollution activist, dominated the meeting, according to a *News* account:

> The ruddy-faced Jenkins strode into the meeting with a fistful of resolutions already prepared and completely dominated the session as he pulled them out one by one, rumpling his tousled, silver hair as he rattled off explanations of why each should be passed.
> The four industry members of the commission, possibly taken aback by his aggressive techniques, sat in silence through most of the meeting.[51]

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[50] A. H. Russakoff to Wendell Harris, October 5, 1970, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[51] "Commission Brands Antipollution Law 'Inadequate,' Calls for Remedy," *Birmingham News*, February 21, 1970.

At this first meeting the commission adopted a resolution stating that the 1969 law was "vague, confusing, contradictory, and too lenient for proper enforcement of the standards this commission may set." The head of the commission's technical staff said that he favored replacing the present law with a new one.[52] But the commission was not united in its criticism of the law. The resolution passed with just six votes of the 12-member commission. Two members were absent, and three of the four industry-nominated members abstained. State health officer Ira Myers, who led the commission, did not vote, because chairman voted only in case of a tie.[53]

The state health officer did weigh in to defeat one of Jenkins's resolutions, casting a vote to break a tie. The resolution would have called for air quality standards strict enough to "protect human health and safety and...prevent injury to plant and animal life and property." Explaining his no vote, Myers said, "I don't like the provisions of the statute, either." But he said, "we are taking valuable time arguing over what's wrong with the law when there is nothing that can be done to change it until the Legislature meets again. We should be figuring out what we can do with what we have."[54]

Later that year the air pollution commission began working towards replacing the 1969 law. At the May 1970 meeting, commissioners established a committee to work on an air pollution bill for the 1971 regular legislative session. They also asked Gov. Brewer to call a special session to pass a stronger air pollution bill.[55] In the meantime, the commission continued to move forward with establishing pollution standards for the

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[52] "New Legislation Needed for Control of Air Pollution," *Alabama's Health*, Winter 1970, 3.
[53] "Commission Brands Antipollution Law 'Inadequate,' Calls for Remedy."
[54] Ibid.
[55] "Air Pollution Group Meets: Torbert Bill Hit as Obstacle Course," *Birmingham Post-Herald*, May 27, 1970.

state. A closely divided commission voted in July 1970 to set relatively moderate air quality standards for the Birmingham region. The standards set a goal of cutting particulates by 50 percent by 1975 and freezing permissible sulfur dioxide levels at the current levels. One physician on the commission joined with four industry representatives to approve the weaker standards over the opposition of three physicians and an attorney long active in tuberculosis organizations. A physician who opposed the standards complained "to whom does the air belong?" The physician member who supported the standards called for pragmatism: "If we set standards that are too idealistic, how can we set up a timetable for implementation anytime in the near future?"[56]

As the state air pollution commission grappled with the limitations placed upon it by the 1969 law, a broad coalition spent much of 1970 trying to strengthen or replace the legislation. In the fall of 1969, opponents of the state air pollution law formed the Alabama Clean Air Committee. John Jenkins, who served on the state air pollution commission created by the law he had opposed, was the chairman of the Alabama Clean Air Committee. A. H. Russakoff also served on the committee's board, as did representatives from several women's groups, including the Birmingham chapter of the League of Women Voters and the Alabama Diocesan Council of Catholic Women; environmental and conservation groups, including the Birmingham Audubon Society and the Alabama Conservancy; and medical and scientific experts.[57] This new coalition had two main goals in 1970 and 1971. One was to influence the May 1970 legislative and

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[56] "Air Pollution Standards Set for 6 Counties," *Birmingham Post-Herald*, July 25, 1970; "Promises Vast Cleanup Here: Pollution Control Group Sets New Standards on Clean Air," *Birmingham News*, July 25, 1970.

[57] "Alabama Clean Air Committee Board Roster," November 1969, file 1278.1.3, A. H. Russakoff Air Pollution Files, BPLDAM; Form letter from A. H. Russakoff, March 23, 1970, file 1278.1.3, A. H. Russakoff Air Pollution Files, BPLDAM.

gubernatorial primaries by pressing candidates to take a stand on the air pollution issue. The other was to get the legislature to deal with the revision or replacement of the air pollution law in a special session.

Activists had some success in making air pollution an issue in the May primaries, but the impact of this activism on election results is less clear. Their main effort was to send candidates questionnaires asking for their stands on several environmental issues, including the repeal or revision of several elements of the 1969 air pollution law. Under the direction of Russakoff, the Alabama Clean Air Committee drew up a questionnaire that focused on air pollution. Meanwhile, another coalition that included many of the same groups and supporters as the Alabama Clean Air Committee also made a questionnaire that included questions about air pollution and other environmental topics, such as water pollution, support for state parks, and limits on pesticides. The results of the questionnaire distributed by this group, the Birmingham-based Coordinating Committee for Improved Environment, were made public in late April.[58]

Most candidates running in the primaries responded to the questionnaires, and of those who gave responses, most were supportive of stronger action on air pollution and other environmental issues. Though surely pleasing to citizens who favored greater state action on environmental issues, the impact of the candidates' apparent support was less clear. For example, the two leading candidates in the Democratic gubernatorial primary, incumbent Albert Brewer and former governor George Wallace, gave virtually identical

[58] It is unclear whether the Alabama Clean Air Committee distributed its questionnaire. There are no later references to the questionnaire in the Russakoff papers. It is possible that once Russakoff learned of the other questionnaire being distributed he decided not to send out his own questionnaire. The questionnaire distributed by the Coordinating Committee for Improved Environment is the only one covered in newspapers. Form letter from Russakoff, March 23, 1970; Form letter from Roscoe B. Hogan, April 11, 1970, file 51.2.10.2.2, League of Women Voters of Greater Birmingham, Alabama, Records, BPLDAM; Form letter from Mrs. Robert E. Burks and Roscoe B. Hogan, April 29, 1970, file 51.2.10.2.2, League of Women Voters of Greater Birmingham, Alabama, Records, BPLDAM.

responses, differing only on the question of eliminating certain pesticides and herbicides, which Wallace did not answer. Otherwise each candidate expressed support for the various environmental goals asked about on the questionnaire. For most other races, the results were similar, with most candidates agreeing on nearly all issues. Though the questionnaire may have served the purpose of making candidates aware of a vocal interest group, it is difficult to see how much impact the results of the questionnaire had when there were very little differences between the candidates.[59]

Russakoff was dubious of candidates' statements in support of tougher air pollution legislation. Speaking to the Young Men's Business Club in September 1970, a few months before the general election, Russakoff asserted that many of the candidates who had voted for the 1969 law were now claiming to support more effective legislation. He gave the example of Hugh Morrow, who represented Jefferson County in the state senate and was running for lieutenant governor. Russakoff contended that Morrow did nothing in response to the "hundreds of messages" he received urging the legislature to extend their special session to address the air pollution issue.

> Yet, in his bid for the office of lt. governor, he gave effective---and I emphasize the word effective---air pollution control legislation high priority on his agenda. But so did all the other incumbents who ran for re-election a few months ago. However, if one scrutinizers [sic] their voting record in the last regular session and in the special session, I personally see absolutely no grounds for optimism. What I am saying is simply this: I doubt that our state legislature will enact a meaning [sic] and effective air pollution control law in the foreseeable future!! And so, who can deny the contention of young people who say that we have put into public office

[59] "Candidates Replying to Pollution Questionnaires," *Birmingham Post-Herald*, April 22, 1970; Mrs. Robert E. Burks and Roscoe B. Hogan to Mrs. Chester H. Sanger, May 28, 1970, file 51.2.10.2.2, League of Women Voters of Greater Birmingham, Alabama, Records, BPLDAM. The fact that Wallace did not leap at the chance to call attention to an issue in which the federal government was increasing its involvement seems puzzling at first glance. Though he was running for governor, he intended to run for president again in 1972, and federal demands that Alabama clean its air would seem to be a logical issue for a candidate who advocated "states' rights." But polls indicated that air pollution control was popular in Alabama even among Wallace supporters.

> officials who give lip service to the public but who give votes in the legislature to big industry?[60]

If the impact of clean air campaigners on the May 1970 primaries is hard to determine, the success of their other major effort—to pressure the legislature to deal with air pollution in a special legislative session—is easy to judge. It failed. Governor Brewer did not call a special session of the legislature to deal with air pollution, nor did legislators take the opportunity of special sessions convened to consider other topics to also consider changing or replacing the state air pollution law.[61] Activists' failure to get the legislature to act on the issue was certainly not for lack of trying. Russakoff asked Brewer to call a special session several times in 1970, as did Birmingham mayor George Seibels. During the summer of 1970, GASP conducted a telegram campaign urging the governor to call the legislature into session.[62]

Early in 1970 Gov. Brewer justified his hesitance to call a special session by stating that he expected the new air pollution commission, which had its first meeting in February 1970, to "make broad recommendations for change....I feel confident that this Commission will be able to recommend the appropriate and necessary legislation at the next regular session of the Legislature and I can assure you that it will have my full support."[63] Despite Brewer's confidence in the new air pollution commission, he was not as sure that any new air pollution bills would have been successful. That summer when

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[60] A. H. Russakoff, "The Alabama Air Pollution Story—An Address to YMBC September 14, 1970," September 14, 1970, file 1278.1.14, A. H. Russakoff Air Pollution Files, BPLDAM.
[61] "Five Days," *Birmingham News*, February 24, 1970; "Cooper Gives Clean Air Bill Kiss of Death in the Senate," *Birmingham News*, February 25, 1970; Albert P. Brewer to A. H. Russakoff, March 12, 1970, file 1278.1.11, A. H. Russakoff Air Pollution Files, BPLDAM.
[62] A. H. Russakoff to Albert P. Brewer, March 16, 1970, file 1278.2.1, A. H. Russakoff Air Pollution Files, BPLDAM; A. H. Russakoff to Albert P. Brewer, July 13, 1970, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM; George G. Jr. Seibels to Albert P. Brewer, July 30, 1970, file 1278.1.13, A. H. Russakoff Air Pollution Files, BPLDAM; Linda DuBose to Mrs. Chester H. Sanger, July 1970, file 51.2.10.2.3, League of Women Voters of Greater Birmingham, Alabama, Records, BPLDAM.
[63] Brewer to Russakoff, March 12, 1970.

asked to call a special session he replied that he would only call one if he thought that a bill was likely to pass.[64] As late as November 1970, Brewer was still resisting calls to convene a special session of the legislature, continuing to make the condition that he would have to be confident that air pollution legislation would pass before he would take action. He also cited the cost of holding a special session as a reason for his reluctance.[65]

There is no way to know if new air pollution legislation would have passed if Brewer had called legislators into session in 1970, but even the 1969 law's sponsor, state senator C. C. "Bo" Torbert, acknowledged its shortcomings once it was official that Alabama would not receive federal funds to enforce the law. At an August 1970 panel discussion Torbert admitted that he and other legislators had known that the 1969 law would not pass federal muster. "I chose to take action rather than do nothing. The bill is justified if for me no other reason than that it can prevent new sources of pollution." He went on to claim, "You're fooling yourself if you think pollution can be eliminated completely." In the fall of 1970, Torbert reported that he was preparing several amendments for an upcoming special session. These amendments included eliminating the grandfather clause and shifting the burden of proof from the state air pollution commission to industry.[66] Torbert's adversaries from the 1969 legislative battle were not impressed. Russakoff was openly scornful of Torbert's proposed amendments, noting that

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[64] Albert P. Brewer to A. H. Russakoff, August 13, 1970, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.

[65] Form letter from Albert P. Brewer, November 2, 1970, Alabama Governor Administrative Files, 1962-1978, SG022655, folder 1, ADAH.

[66] "Panel Debate 'Spirited:' Pollution Probe Gets Down to Nitty-Gritty of Problem," *Birmingham News*, August 13, 1970; "Torbert to Beef Up Dirty Air Bill Bid for Government Help," *Birmingham News*, September 3, 1970.

even without a grandfather clause, the amended law would still not provide a timetable for complying with air pollution standards.[67]

Nineteen-seventy was turning out to be a disappointing year for supporters of a stronger air pollution law in Alabama. They failed to convince Gov. Brewer, a reform-minded leader who was now a lame duck—he lost to Wallace in that spring's Democratic primary—to get the legislature to address the air pollution issue, and their impact on the year's elections was dubious. The fact that politicians failed to act that summer demonstrated the lopsided nature of Alabama politics, according to Russakoff:

> In essence, I am saying that we, the public, are powerless to defend ourselves against polluters and the health hazards of air pollution for only one reason: we cannot match the political power of special interest groups. Our legislators have done the bidding of the polluters and their paid lobbyists. Our legislators have failed on two occasions to meet their responsibilities to the citizenry of this community.[68]

Though not all of Russakoff's allies were so pessimistic, at least not publicly, many shared his frustration with elected officials in Alabama. They looked forward to upcoming air pollution hearings as their next opportunity to advance their cause.[69]

The hearings, held in Birmingham on October 2 and 3, 1970, were conducted by the Alabama State Air Pollution Commission, but they were under the auspices of the National Air Pollution Control Administration. As a part of the designation of a federal air pollution control region in the Birmingham metropolitan area earlier in the year, the

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[67] Russakoff, "The Alabama Air Pollution Story—An Address to YMBC September 14, 1970."
[68] A. H. Russakoff, "Material Video-taped for Channel 13, for Use August 12, 1970," August 12, 1970, file 1278.1.8, A. H. Russakoff Air Pollution Files, BPLDAM.
[69] Though the air pollution hearings were just the type of citizen participation that James Longhurst describes in Pittsburgh, Russakoff's disillusionment with Alabama government actually challenges Longhurst's contention that clean air campaigners were "citizens first and environmentalists second." By the fall of 1970 Russakoff probably would have identified himself as an environmentalist first and a citizen second. His interest in clean air drew him into politics, and it was only after he realized how unresponsive elected officials were to citizens' demands that he began to criticize the political process itself. Longhurst, *Citizen Environmentalists*, 29.

state was to hold hearings on establishing air quality standards in the region. In late summer and early fall the Alabama Clean Air Committee and GASP joined forces to encourage citizens to attend the hearings. Though the hearings were led by the state commission, it was clear from the groups' promotional materials that they wanted to send a message to federal officials. In a recruitment letter, the Alabama Clean Air Committee and GASP told supporters,

> Your attendance and participation are important for at least three reasons: 1. The outcome of the hearing is in doubt. We need to persuade the Commission of the depth of public feeling. 2. The National Air Pollution Administration in Washington will carefully review the record of this hearing. They will particularly note how many members of the public appeared and what they had to say. 3. The hearings precede by one month the election of state senators and legislators. All these candidates will be watching and will be influenced by the strength of public sentiment on this issue.[70]

Grassroots supporters had not given up on progress happening at the state level, but they clearly felt that it was in their interest to convince federal officials that many Alabamians supported air pollution control.

The days leading up to the hearing provided what to supporters of stronger air pollution legislation was the perfect setting to convey the message that Birmingham's air was too dirty. On October 1, 1970, particulate matters topped 500 in downtown Birmingham, much higher than what federal regulators considered healthy. Thanks to publicity generated by a coalition of groups, especially GASP and several women's

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[70] "To Everyone Who Promised to Attend the Public Hearing of the Alabama Air Pollution Commission Saturday, October 3, at 9:00 A.M.," September 1970, file 1278.1.13, A. H. Russakoff Air Pollution Files, BPLDAM.

groups, including the Birmingham League of Women Voters, an estimated 1,500 people showed up at the public portion of the hearings on Saturday, October 3, 1970.[71]

In his testimony at the hearing Russakoff argued that the detrimental health effects of air pollution made it necessary to strengthen the state's air pollution law. He testified,

> Although no one yet knows the exact degree of deleterious effects caused by varying concentrations of sulfur dioxide and iron-containing particulates, we feel justified in proposing that particulates in this air quality region be reduced to the lowest possible level---and as soon as possible. It is inconceivable at this point in time that our health officials are powerless to cope with so serious a potential health hazard within the framework of our present air pollution law.

To support his contention that air pollution had a harmful effect on health, Russakoff discussed two studies, one measuring particulate levels and the other lung impairment. Taken together, the studies found an association between particulate levels and impaired lung function. People living in the over-the-mountain suburbs of Mountain Brook and Vestavia, where particulate levels were lowest, were the least likely to have impaired lung function. In contrast, residents of Bessemer, Fairfield, and Ensley, where the air was dirtiest, had the unhealthiest lungs. Russakoff testified:

> To the best of my knowledge there is no comparable study reported in the medical literature. I submit that this study, carried out right here in Jefferson County, demonstrates not only the health hazards of air pollution, but in addition demonstrates that the threat to human health is proportional to the concentration of particulates present in the air which we breathe. It is for that reason that we who are concerned with health and welfare, and we who work in the field of preventive medicine, insist that standards be set which take into account the gravity of our local problem.

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[71] Russakoff to Harris, October 5, 1970; A. H. Russakoff, "Statement for Channel 42 Re Public Hearings October 3, 1970," October 3, 1970, file 1278.1.9, A. H. Russakoff Air Pollution Files, BPLDAM; "Women to Speak Up for Clean Air," *Birmingham News*, October 2, 1970; "300 Plan to Speak at Pollution Hearing," *Birmingham News*, October 2, 1970.

Russakoff said that he and other advocates of strict air pollution standards did not want "that industry be paralyzed" but simply that the Birmingham air quality region be subject to the same standards as other parts of the nation.[72]

The October hearings did not have an immediate impact on air pollution control in Alabama—the commission and rules established by the 1969 law remained intact—but they did help build momentum for the revision or replacement of the state air pollution law. Soon after the hearing, George E. Hardy Jr., the Jefferson County health officer, informed Russakoff that a state legislator was using the testimony of Russakoff and other physicians to help craft new air pollution legislation.[73] Another factor that seemed to bode well for changes to the state's air pollution law was the outcome of the November legislative elections. Of the twenty-four state senators and representatives elected from Jefferson County, fourteen received a "high" rating on the environmental questionnaire distributed by the Coordinating Committee for Improved Environment. Though Russakoff had pointed out earlier in the year that many legislators who ranked high on the questionnaire had voted for the 1969 law that environmental activists had opposed, it was clear that Birmingham-area legislators realized that they at least had to pay lip service to environmental concerns.[74]

Momentum for revising or replacing the 1969 law continued to build in 1971. Elected officials were placed under increasing pressure to revisit the air pollution law. In February 1971, the state air pollution control commission drafted a suggested

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[72] A. H. Russakoff, "Statement Made a[t] Public Hearing, October 2, 1970," October 2, 1970, file 1278.2.4, A. H. Russakoff Air Pollution Files, BPLDAM.
[73] George E. Hardy to A. H. Russakoff, October 6, 1970, file 1278.1.2, A. H. Russakoff Air Pollution Files, BPLDAM.
[74] "Reflected in Elections: Poll Shows Voters Favored Strong Antipollution Stand," *Birmingham News*, November 8, 1970.

replacement to the 1969 law and urged the governor to direct the legislature to consider the proposed bill in a special session.[75] Building on the resolution of the air pollution commission, citizens long involved in the clean air movement pressured the governor to urge the legislature to act.[76]

Even state health officer Ira L. Myers, who had supported the industry-backed bill that became law, urged Gov. Wallace to advocate new legislation. In his letter to Wallace, Myers explained that the state had an opportunity that would not last long:

> I think the Resolution appropriately cites the need for new air pollution control legislation in Alabama. But aside from the obvious need for such legislation, we are now at a cross-roads where we must decide whether an air pollution control program in Alabama will be carried out under State sponsorship or by the involved Federal agency. But luckily, the decision is now ours to make. And as State Health Officer and Chairman of the Commission, I join with the Commission in asking your support for this new legislation.[77]

This "cross-roads" referred to changes in federal environmental authority since the passage of the 1969 law. In that year environmental regulation remained mostly in the hands of the states, though federal regulators had considerable influence due to their ability to withhold funding to the states, as they did to Alabama soon after the passage of its air pollution law. But by early 1971, federal regulators in the newly created EPA had considerably more power to set environmental standards, including air quality, in the states.

On the last day of 1970, President Richard M. Nixon had signed the Clean Air Act of 1970. William D. Ruckelshaus, the administrator of the EPA, informed Gov.

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[75] Ira L. Myers to George C. Wallace, February 26, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH.
[76] Marie Gentle to George C. Wallace, March 5, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH; Mary I. and Robert E. Burks to George C. Wallace, March 25, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH.
[77] Myers to Wallace, February 26, 1971.

Wallace in February 1971 that the amendments to the Clean Air Act "will require the Environmental Protection Agency and State governments to play an increasingly active role in dealing with the Nation's air pollution problems." Ruckelshaus explained that the EPA would establish air quality standards for six major pollutants by the end of April 1971. States would have nine months to submit for EPA approval statewide plans for implementing the new standards. Ruckelshaus urged Wallace to "make a prompt determination as to whether new State legislation will be needed to enable your State to formulate and carry out implementation plans meeting the requirements of the Act."[78] The answer to that question was obvious. A February 1971 EPA review of Alabama's 1969 law found that it was adequate on just two of fifteen criteria.[79]

It was clear that the Alabama Legislature would have to act, but Wallace did not heed activists' calls to urge legislators to include air pollution in a special session. This refusal was not an example of Wallace making a stand against federal intervention, however. He simply believed that the legislature would take up the issue in its regular session, which was to begin in May. As he explained to a Mountain Brook couple who had long been involved in the clean air movement, "I think that the legislature has some proposals in mind to present at allater [sic] time which would be next month when they convene in regular session, and I am confident that the proper thing will be done. You may rest assured that when this comes to my desk that I will act favorably on it."[80]

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[78] William D. Ruckelshaus to George C. Wallace, February 16, 1971, Alabama Governor Administrative Files,1962-1978, SG022655, folder 1, ADAH.
[79] "Review of Legal Authority for Alabama, Act No. 1135, Air Pollution Control Act, 1969", February 1971, Alabama Governor Administrative Files,1962-1978, SG022655, folder 2, ADAH.
[80] George C. Wallace to Mr. and Mrs. Robert E. Burks Jr., April 8, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH.

Before the legislature had a chance to act, however, air pollution in Birmingham took a turn for the worse. On Tuesday, April 20, levels of particulates in downtown Birmingham reached 607 micrograms of solid matter per cubic meter of air, the highest level since measurements had begun a few years earlier.[81] For comparison, the national urban average for particulate pollution was 97 micrograms. According to standards proposed by the EPA in February 1971, levels of suspended particulates should not exceed 260 micrograms during more than one twenty-four-hour cycle per year. Levels of suspended particulates in downtown Birmingham had exceeded 260 micrograms forty-one times since May 1970.[82]

The pollution episode, which was caused by a temperature inversion that trapped cold, dirty air in Jones Valley, was a "health crisis," according to George Hardy, the head of the Jefferson County Health Department. Under the terms of the 1969 air pollution law, however, there was nothing that he, a local official, could do. Only the state air pollution control commission could act. In the face of what they considered an emergency, the young people of GASP did not wait for the head of the commission, state health officer Ira Myers, who was out of the state, to take action. GASP took a two-pronged approach. Members telegrammed U.S. Steel and several other local industries to ask them to cut down their production until pollution levels dropped. They also contacted the EPA, which quickly dispatched several officials to investigate the situation in Birmingham.[83]

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[81] "Health Crisis Exists, Local Official Says."
[82] Jefferson County Department of Health, "What's in the Air in Jefferson County", 1971, file 1278.2.5, A. H. Russakoff Air Pollution Files, BPLDAM; "If Needed, Pollution Official May Return."
[83] "Health Crisis Exists, Local Official Says."

GASP's effort to persuade local industry to cut back production was not a success. Just one firm, Alabama By-Products, responded to GASP's telegram and cut back on production. GASP's decision to seek help from the EPA was more successful, at least in the long run. By the time EPA officials arrived, rain had significantly reduced levels of suspended particulates in Birmingham. But if Mother Nature had not cooperated, EPA officials were prepared to act. The agency had the power to file suit in federal court to halt the operations of pollution sources when an imminent danger to health existed. In its short life the EPA had not yet used this power, though it would during a similar episode in Birmingham in November 1971.[84]

The events of April 1971 served as a wake-up call for both federal and state regulators, though their responses were different. One anonymous EPA official expressed shock at the poor air quality in Birmingham. Foreshadowing the agency's swifter response to the November 1971 air episode, the official told the *News*, "If we had known about it earlier we'd have had a Justice Department lawyer down there so fast it would make your head swim."[85]

State health officials in charge of air pollution control were not pleased the visit by the EPA or the attention the episode received in the national press. Myers, the state health officer, complained to the EPA administrator that the federal agency's arrival in Birmingham had been more of a publicity stunt than a serious attempt to control air pollution:

> We are well aware that national news coverage of EPA's dramatic arrival on the scene to rescue the natives of Birmingham from inept local Alabama officials makes an excellent impression in other areas of the country. However, those of us professionally interested in controlling air

[84] Ibid.; "If Needed, Pollution Official May Return."
[85] "If Needed, Pollution Official May Return."

> pollution and protecting the health of its citizens think this is rather cheap publicity bought at the cost of future mistrust by state officials of the motives of EPA....I trust that from this fiasco a meaningful relationship based on the mutual respect of public health professionals can be developed. Please, let's clean up the air in fact and not in the news media.[86]

Myers must have felt blindsided by the attention and what southerners instinctively labeled outside interference. He argued that the high levels of suspended particulates did not constitute a health emergency because levels of sulfur dioxide were low and a thunderstorm was predicted within 24 hours. He based this conclusion on a formula provided to state officials at a March 1971 EPA meeting:

> In other words this agency feels that EPA over responded to an emotional appeal generated by a citizens' action group without consulting with the responsible state air pollution control agency prior to deluging the Birmingham area with public relations experts to satisfy the demands of the national news media.[87]

Indeed, Birmingham's pollution was still in the national news a few weeks later. The *New York Times* informed its readers in early May,

> There's something more than the scent of magnolia blossoms in the spring air of Birmingham, Ala., these days. For a full week last month, residents saw their world through lung-searing, eye-watering smog—and last week, pollution experts told them just how bad things had really been....'This time we were lucky,' said an angry citizen. 'There were no reported deaths. But what about next time?'[88]

The *Times* story surely did little to strengthen Myers's trust in the federal government or the national news media. It did demonstrate the brilliance of GASP's decision to contact the EPA directly rather than to deal with the state air pollution commission.

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[86] Ira L. Myers to William D. Ruckelshaus, April 28, 1971, Alabama Governor Administrative Files, 1962-1978, SG022655, folder 2, ADAH.
[87] Ibid.
[88] "'We Were Lucky,'" *New York Times*, May 9, 1971.

The passage of a new air pollution law in the summer of 1971 was not solely a result of GASP's contacting the EPA. It is true that Gov. Wallace had been reluctant to include air pollution in a special session of the legislature, but he had given every indication of supporting a new air pollution bill in the regular session to begin in May. Throughout 1971, Wallace promised, "I will sign the strongest air and water pollution control bill passed by both houses." The possibility of direct federal action, though certainly widely known since the passage of the 1970 amendments to the Clean Air Act, had become all too real for Alabama's politicians after the EPA came to town in April 1971. Over the next few months, the legislature debated a new air pollution bill. The process, particularly in comparison to the events of the 1969 legislative session, was relatively smooth. There were a few sticking points, including the governor's authority to appoint members of the air pollution commission and the right of individual citizens to file suit against alleged polluters, but everyone seemed to realize that a new air pollution law was going to be enacted. In early September 1971 Gov. Wallace signed the bill into law.[89]

Unlike the 1969 law, the new legislation had the backing of federal regulators. After several years of political conflict over the course of air pollution control in Alabama, the issue seemed to finally be settled. Though grassroots activists had been unable to compete with the influence of industry in 1969, GASP and other similarly minded Alabamians succeeded in 1971 because of increased federal authority and their

[89] "Wallace Still Wants to Dictate Type of State Clean-Air Law," *Birmingham News*, June 17, 1971; "Air Control Bill Praised by GASP; Tenn-Tom Opposed," *Birmingham News*, June 24, 1971; Jane Monnette Hinds to Governor Wallace, July 5, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH; George C. Wallace to Jane Monnette Hinds, August 2, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH; "Governor Signs Air Control Bill," *Birmingham News*, September 4, 1971.

shrewdness in harnessing the threat of federal intervention to hasten the adoption of new air pollution legislation. Despite this success, however, the April 1971 episode would not be the last time that EPA officials would arrive in Birmingham that year. In late November, Birmingham would once again attract national attention because of an air pollution episode. Though the new law provided the tools to deal with this situation, EPA officials felt compelled to intervene directly in November. The reason? Though Gov. Wallace signed the air pollution law in early September, he delayed appointing members of the enforcement commission until just a few days before the air episode began. When measures of suspended particulates soared, the commission had yet to hold its first meeting, much less develop procedures for dealing with an air pollution emergency.

Chapter 7

"Like an Environmental Little Rock": Federal Officials Respond to an Air Pollution Emergency

Anyone with the most basic knowledge of the history of the civil rights movement of the 1950s and 1960s knows that many white Alabamians were openly hostile to federal attempts to guarantee the rights of black Alabamians. To most readers, the fact that a federal agency frustrated by the lack of state action during the November 1971 episode of severe air pollution in Birmingham turned to a federal judge to enforce environmental standards is probably not surprising. George C. Wallace was governor once again in 1971. Who would expect the man who had stood in the schoolhouse door to be an enthusiastic supporter of federal intervention? With plans to run against President Richard M. Nixon in 1972, a confrontation with the federal government might seem to be a perfect way for Wallace to attract attention.

Surprisingly, Wallace was not the central actor in the drama of November 1971. It is true that he delayed appointing members of the state air pollution commission until just a few days before the air pollution episode began. If he had appointed the members immediately after signing the new state air pollution law in September 1969, however, it is possible, and quite likely, that the new commission would not have had time to draw up emergency plans in time to deal adequately with the November episode. After the November episode grabbed national headlines, it was not until the spring of 1972 that the new commission had such plans ready and approved by the Environmental Protection Agency (EPA), with specific plans for each major pollution source in the Birmingham

area.[1] Even when motivation is strong, establishing a functioning regulatory system takes time.

Though Wallace did contribute to the situation by delaying the appointment of the air pollution commission, his role during the days of the pollution crisis was minimal. Taking center stage were local health officers, EPA officials, and industrial leaders and their attorneys. What took place was a confrontation between old and new paradigms of pollution control in Alabama. Whereas in the past industry had the upper hand, as exemplified by the weak 1969 air pollution law, local health officials, though not yet backed up by an operational state air pollution program, were no longer prevented from acting as they had been under the 1969 law. Leaders of the Jefferson County Department of Health were able to collaborate with the EPA, which in turn was able to use emergency powers to seek enforcement from the federal judicial system.[2]

In a way, the November 1971 air pollution episode that brought more negative press to Birmingham was the result of good government, at least on the local level. Because county health officials did what they were supposed to do—they monitored the potential impact of air pollution on residents' health—they acted quickly to make use of all available resources. They first asked industries to voluntarily cut back production. When this strategy failed to bring about a significant reduction in pollution, they sought

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[1] Jack E. Ravan to George C. Wallace, May 23, 1972, Alabama Governor Administrative Files, 1962-1978, SG022673, folder 10, Alabama Department of Archives and History (ADAH).

[2] Samuel Hays has noted that many U.S. industries, after arguing that the states, not the federal government, should set up air quality standards, changed their tune in the late 1960s when several states, including California, established standards that were stricter than industry had expected. Industries then supported the federal standards of the Clean Air Act of 1970. Hays's characterization applied to the nation as a whole, but the Alabama experience was an exception that proved the rule. Alabama's 1969 air pollution law was so weak that it was clean air campaigners, not industry, that looked to the federal government to establish air quality criteria. See Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (Cambridge: Cambridge University Press, 1989), 443–45.

federal intervention. Ironically, in the previous years, in at least one state that had implemented air pollution control sooner than Alabama, local officials had kept federal officials from getting involved. In Chicago in 1969 and 1970, before the establishment of the EPA but when federal air pollution control officials were stepping up their activity, Chicago mayor Richard J. Daley allegedly suppressed air pollution measurements and resisted publicizing dangerous air pollution in an effort to avoid bad publicity for Chicago.[3] Though Wallace was as dominant a force in Alabama as Daley was in Chicago, the Alabama governor did not try to block federal environmental intervention as Daley allegedly did. Stricter air pollution control had arrived in Alabama, though it was moving at such a sluggish pace that EPA officials, with the full support of local officials, felt compelled to help it along.

The memory of the April 1971 air episode in Birmingham, when the EPA had come to town at the request of the grassroots group GASP, surely made EPA officials more ready to act when similar environmental conditions occurred in November. The April episode had helped spur the passage of a stronger state air pollution law by demonstrating the limits of the state's existing air pollution control program. It had also revealed a prickly relationship between the head of the state air pollution commission, State Health Officer Ira L. Myers, and the EPA. Despite Myers's public criticism of the EPA for, in his opinion, blowing the April air pollution episode out of proportion, the state official agreed that the 1969 air pollution law was ineffective.

Myers made this assessment of the state air pollution law when confronting another pollution problem that developed in a Birmingham neighborhood soon after rains

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[3] For a contemporary comparison between Birmingham and Chicago, see Patrick J. Sloyan, "The Day They Shut Down Birmingham," *Washington Monthly*, May 1972, 41–42.

had cleared Birmingham's skies in April 1971. In early May, Myers investigated complaints of noxious fumes from the Swift Agricultural Chemical Company, a fertilizer plant northeast of downtown. Nearly 300 of the mostly African-American neighborhood's approximately 1,000 residents signed a petition complaining about emissions from the Swift plant. Aside from particulate pollution, residents complained that the facility released noxious odors, including ammonia and sulphuric acid smells, into the neighborhood. According to the organizer of the petition, Rev. George Johnson, ammonia smells had been so strong the previous Sunday that some churches felt compelled to cancel worship services. Johnson gave the petition to the head of the Jefferson County Health Department, who delivered it to State Health Officer Ira Myers.[4]

Myers acted quickly to pressure the Swift plant to cut back emissions. Though Myers was the head of the state air pollution commission, which enforced the 1969 air pollution law, he acted on his authority as the state's top health official, telling reporters that the state air pollution law was too weak.[5] In a May 7, 1971, letter Myers cited public health regulations, not state air pollution rules, in asking the manager of the Swift plant "to immediately abate the emission of such fumes, smoke, dust, and other injurious elements to such a degree that such emissions will not be, or likely become, a menace to the public health."[6] After holding an emergency public hearing on the matter, Myers and the state health department asked the EPA to send officials to measure emissions from the plant. Unlike during the April episode when the EPA came to town at the request of

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[4] "Harsh Fumes, Dust Cover Areas of City; Residents Ask Help," *Birmingham Post-Herald*, May 7, 1971; "After 3-Hour Investigation: Myers Asks Company to Stop Polluting Air," *Birmingham News*, May 8, 1971.

[5] "Swift Plant Complies with Pollution Order," *Birmingham News*, May 11, 1971.

[6] Ira L. Myers to F. M. Jenkins, May 7, 1971, Alabama Department of Public Health, Meeting Agendas and Minutes, 1970–1972, SG12090, ADAH.

GASP, the federal agency and state health officials collaborated on reducing emissions from the plant. Their efforts seemed effective, as the Swift plant complied with Myers's request to cut emissions.[7] Two years later, the EPA declared the Swift plant "a well controlled facility" based on measurements taken in the spring of 1973.[8]

Compared to the April 1971 air pollution episode, the May 1971 Swift incident was resolved quite smoothly. The public-relations fiasco in April, when EPA officials arrived while Myers was out of the state, surely motivated him to deal quickly with the complaints about the Swift plant. Also important was the vast difference in scale of the two incidents. The April air pollution episode resulted from a temperature inversion that led to high particulate levels that extended over a significant portion of the Birmingham metropolitan area. The precise contribution of each industry to the overall air pollution burden was impossible to determine. The situation called for a broad solution. In contrast, the source of the problem in the Swift case was easily identifiable and limited. It was a single plant that was releasing chemicals that were affecting a limited area—the neighborhood adjacent to the plant. But this pollution problem, though small in scale, was difficult to solve using the state air pollution law, according to Myers. He instead treated the incident as a public health nuisance.

Though not discussed in detail by Myers or other officials attempting to reduce emissions from the Swift plant, the incident represented the first time that air-pollution complaints from an African-American neighborhood had received widespread publicity in the Birmingham media. Pollution complaints from Birmingham residents were nothing

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[7] "Pollution Being Tested Near Chemical Plant," *Birmingham Post-Herald*, May 10, 1971; "Swift Plant Complies with Pollution Order."

[8] Roger O. Pfaff, *Emission Testing Report, Swift Agricultural Chemicals, Inc., Birmingham, Alabama* (Research Triangle Park, North Carolina: Environmental Protection Agency, Office of Air Quality Planning and Standards, 1973).

new, of course. White working-class residents had been complaining about air pollution in their neighborhoods as early as the 1940s. Some of these complaints included pollution that affected African-American residents, but the 1971 Swift incident was the first recorded case in which African-Americans organized a neighborhood campaign against a source of air pollution. African Americans certainly bore the burden of air pollution, as many lived in neighborhoods adjacent to industrial operations. But faced with institutional discrimination that did not begin to diminish until the 1960s, complaints about environmental pollution probably were of lesser importance than civil-rights activism. In addition, like many working-class whites who were reluctant to complain about air pollution for fear of the economic impact of pollution control, many blacks in Birmingham may have feared that clearing up the sky might have cost jobs. In the fall of 1971, just before a pollution crisis in Birmingham would trigger federal involvement, the African-American newspaper the *Birmingham World* published an editorial that sought a balance between environmental and economic needs:

> So far as the environment is concerned, man must be considered as a mere organism. He requires the necessities and the amenities of his life that are part of his environment just as surely as air, water and forests. Pollution control must conform to our total environmental requirements. In short, we need air, water, forests—and factories, homes and businesses.[9]

In the neighborhood near the Swift plant, roughly 300 residents signed the petition but around 700 did not. Those who signed, like working-class whites who had signed petitions in the past, had had enough with pollution in their neighborhood.[10]

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[9] "Total Environment," *Birmingham World*, November 13, 1971.

[10] The campaign against the Swift plant can be seen as an early event in the environmental justice movement, though the participants did not use the term environmental justice. Some environmental justice activists contend that the movement had its beginnings in a controversy over the placement of a landfill in rural North Carolina in the late 1970s and early 1980s, but Eileen Maura McGurty argues that such environmental justice campaigns date back to the late 1960s and early 1970s. At the time of the Swift

The Swift episode represented a lone example of successful remediation of an Alabama air pollution problem in 1971, but things were looking up for Alabamians in the clean-air movement. Recognizing not only that the federal government would not hesitate to take action in a future air pollution episode but also that air pollution control was popular across the political spectrum, Governor Wallace signed a new state air pollution law in September. By all accounts it was a model environmental law that met most of the demands of clean air advocates. The law established a system of mandatory pollution permits for all businesses that released emissions into the air. Unlike the 1969 law, there was no grandfather clause exempting existing businesses. Employees and representatives of businesses with air pollution permits, as well as significant shareholders of those businesses, were not allowed to serve on the air pollution commission. Though the law established the state commission as the prevailing air pollution authority in the state, it provided for local air pollution programs with some limitations. The state health officer, as head of the air pollution commission, had the power to force businesses to reduce or cease air emissions during an air pollution emergency. This was a significant increase in the power of the commission. In contrast, if the state health officer had been in the state during the April 1971 air pollution episode, he would not have had the power to force Birmingham-area industries to cut back or stop production.[11]

Though the new Alabama air pollution program pleased environmental activists, they had reason to complain during the fall of 1971. The law required Gov. Wallace to

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episode in Birmingham, however, tensions had developed between the environmental and civil rights movements, with some African American leaders expressing concern that environmental issues were distracting from other economic and social priorities. See Eileen Maura McGurty, "From NIMBY to Civil Rights: The Origins of the Environmental Justice Movement," *Environmental History* 2 (July 1997): 301–23; and Michael Egan, "Subaltern Environmentalism in the United States: A Historiographic Review," *Environment and History* 8 (2002): 21–41.

[11] *Alabama Air Pollution Control Act of 1971*, Act No. 769, H. 702, 1971 regular session (September 3, 1971).

appoint air pollution commission members by October 1, 1971, but by early November he had not made a single appointment. Exactly why Wallace did this is uncertain. Part of it may have been resentment. One of the few significant points of contention during the negotiations over the 1971 law involved the governor's ability to appoint members of the board. Wallace wanted no restrictions on the governor's power, but the law that passed established specific criteria for the six commission members besides the state health officer. Four were to be representatives of the public with no affiliation with industries with pollution permits, one was to be an engineer with expertise on air pollution, and the last a physician who specialized in respiratory diseases. Though the governor selected the members—subject to senate approval—the restrictions in the law surely did not please Wallace.[12]

Another reason that Wallace might have delayed the appointments was his concern about placating his industrial supporters. During the summer of 1971 Wallace had met with representatives of various industries and had agreed to try to make changes to the air pollution bill working its way through the legislature. Of particular concern to industry was the exclusion from the air pollution commission of people affiliated with businesses that held air pollution permits. The effort to allow industry representatives on the board failed, but industry's pressure on Wallace continued. Jack W. Warner, the president of Gulf States Paper in Tuscaloosa, who had urged Wallace to "not have the hippies and the college crowd dictate the laws for this state" during the debate over the air pollution bill, continued to pressure Wallace after the law was enacted.[13] In a reply to

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[12] Ibid.; "Wallace Requested--Pollution Bills' Modifications Worry Solons," *Birmingham News*, July 4, 1971.

[13] Jack W. Warner to George C. Wallace, August 3, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH.

a later letter from Warner, Wallace assured him that he also had a low opinion of some of the people who had pushed for the air pollution law. Wallace wrote, "I am certainly in agreement with you about some of the type people who become involved in such matters just to be involved."[14]

In his letter to the paper company executive Wallace tried to find a balance between supporting industry and reducing air pollution. Wallace wrote Warner,

> I want to appoint a Board that will be absolutely fair and objective in this matter, recognizing that we do have pollution problems, but on the other hand recognizing that we have got to have industry to continue to operate in order to provide jobs for the mass of citizens in the middle and low income groups. There cannot be any effort to close down plants for the purpose of just closing them down and I am sure this will not be the case during this administration. However, the law will have to be enforced and I am sure industry will try to do its best to alleviate some of the pollution problems that have existed.[15]

Wallace the political animal was in a difficult position. He did not want to anger industrial leaders whose support he sought, but at the same time he realized that pollution control was unavoidable. His delay in appointing the state air pollution commission seemed to stem in part from a desire to appoint members who would be palatable to industry.

Regardless of the reason, in the period between the signing of the law and the appointment of the air pollution commission, Birmingham experienced another bad air episode. As the October 1, 1971, deadline for appointing the air pollution commission passed unmet, particulate matter in parts of the Birmingham area soared to levels not experienced since the previous April, exceeding 400 micrograms per cubic meter in North Birmingham and 300 micrograms downtown and in the industrial suburb of

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[14] George C. Wallace to Jack W. Warner, September 22, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH.
[15] Ibid.

Bessemer. The Jefferson County Health Department issued a health alert, but it had not yet established a legally binding control program.[16] Favorable weather patterns reduced particulate levels within a few days, but levels rose higher in mid-October, reaching nearly 700 micrograms in North Birmingham, exceeding the levels that had spurred GASP to contact the EPA in April. In response to the spike in particulates, the county health department asked fourteen area industries to curtail their production until air quality improved. The request was just that, a request, not an order. It could not be enforced legally. The two air episodes in October drew attention to the fact that the state's air pollution program was not yet operational. In response to their inability to force industries to comply with their request, Jefferson County officials announced plans to establish a county air pollution control program in October.[17]

The October air episode cleared up without government intervention, but air quality began to diminish again the second weekend of November. Gov. Wallace announced his appointments to the air pollution commission on Monday, November 15, 1971, but there was not enough time for the members to act.[18] During that week, what was in many ways an unremarkable phenomenon—a temperature inversion trapped cold, dirty air in the valley where Birmingham lay—became a drama involving local health officials, EPA regulators, the federal judicial system, and Birmingham-area industries. Though the events of that week would not lead to an immediate clean-up of Birmingham's air—the city experienced several serious air pollution episodes during the

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[16] "Health Alert Issued as Pollution Climbs," *Birmingham News*, October 1, 1971.

[17] "Firms Vow Air Pollution Fight Help," *Birmingham Post-Herald*, October 12, 1971; "Pollution Count Climbs to 682 in N. Birmingham," *Birmingham News*, October 13, 1971; "Jeffco Making Use of New Pollution Law," *Birmingham News*, October 21, 1971.

[18] "Justice Dept. to Restrain 23 Polluting Industries Here," *Birmingham Post-Herald*, November 18, 1971; "Minutes of the Meeting of the State Board of Censors, November 17, 1971", November 17, 1971, Alabama Department of Public Health, Meeting Agendas and Minutes, 1970–1972, SG12090, ADAH.

next few years—they did represent a turning point in air pollution control in Alabama. The balance of power shifted from U.S. Steel and other industrial operations to local and state officials backed up by federal regulatory powers.[19]

Though welcomed by clean-air advocates, Wallace's appointments to the state air pollution board proved to be too little, too late to deal with what health officials increasingly saw as a health crisis. On Monday, November 15, the National Weather Service placed central Alabama, including Birmingham, under an air stagnation advisory. Conditions were ripe for particulate levels to rise in the Birmingham area. The next morning county air monitoring indicated that suspended particulates had reached 771 micrograms in North Birmingham and 397 micrograms downtown.[20] According to 1971 EPA standards, a pollution alert could be issued when the 24-hour average particulate level reached 375 micrograms. The next stage of action, a warning, kicked in when this average reached 625. The threshold for an air pollution emergency, which Birmingham did not cross in November 1971, was 875 micrograms.[21] In response to the Tuesday, November 16, measurement in North Birmingham, the county health department issued an air alert at 10:00 that morning and notified the news media. County health officials

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[19] Besides contemporary newspaper accounts, two sources provide excellent summaries of the November 1971 episode. A report on the U.S. House of Representatives subcommittee hearing held in Birmingham in November 1971 includes testimony from various people involved in the air pollution episode as well as copies of legal documents related to the federal court action. A 1974 article in the *American Journal of Public Health*, whose lead author was the Jefferson County health officer at the time of the air pollution crisis, provides a play-by-play account of the air pollution episode. See *Clean Air Act Oversight: Hearings before the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce, House of Representatives, Ninety-second Congress, First and Second Sessions on a Review of the Implementation of Various Provisions of the Clean Air Act of 1970, November 20, 1971; January 26, 27, and 28, 1972* (Birmingham, Ala., and Washington, D.C.: U. S. Govt. Print. Off., 1971); George E. Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority: A Local Analysis," *American Journal of Public Health* 64 (January 1974): 72–76.

[20] *Clean Air Act Oversight Hearings*, 2.

[21] Doug Rendleman, "Legal Anatomy of an Air Pollution Emergency," *Environmental Affairs* 2 (Spring 1972): 95.

called the twenty-three local industries believed to be the largest contributors of particulate pollution based on a 1969 emissions inventory. These companies were asked to reduce particulate emissions, particularly from 4:00 p.m. to 10:00 a.m., when conditions for trapping pollutants in the air were least favorable.[22]

When the county health department sampled the air that afternoon, air quality remained poor. Particulate levels in North Birmingham had declined slightly, but were still 722 micrograms at 3:00 that afternoon. The health department declared an air pollution warning at 4:30 p.m., the next step in the EPA's three-stage air pollution response program. Then Dr. George M. Hardy Jr., the county health officer, telegrammed the twenty-three industries that the health department had telephoned that morning. Citing the persistent elevated particulate levels, Hardy urged the industries to cooperate by voluntarily reducing their emissions:

> As a result, in order to protect the health of the citizens of Jefferson County, I am hereby requesting that your company make substantial reductions in particulate emissions as soon as possible and maintain said reduction until the warning is terminated. Due to the seriousness of this situation this office feels that an overall particulate emission reduction on the order of 60% is justified.

Hardy asked each business to provide him with a report of its emission-reduction efforts within 24 hours. Because the state and county air pollution programs were not yet fully operational, Hardy's request was not binding. He did not have the power to order industries to cut emissions.[23]

Responses to Hardy's telegram were mostly cooperative, though there was an undercurrent of resentment in some. The manager of the Woodward Company, Gene W.

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[22] *Clean Air Act Oversight Hearings*, 2.
[23] Ibid., 2–3, 5 (quotation).

Lewis, replied that because of a strike, production was already down by 70 percent. Still, he estimated that his company had cut emissions an additional 30 percent since receiving Hardy's telegram. He wrote Hardy, "We assure you of our full cooperation and expect to continue operating under the above conditions until you release us at the end of the warning period." The president of U.S. Pipe and Foundry Company, B. F. Harrison, was as cordial as the Woodward manager in his reply, but he contended that environmental concerns must be weighed against economic ones:

> United States Pipe and Foundry Company has been aware for many years of the particulate emission problem in the North Birmingham area. Our Department of Environmental Engineering has been studying, analyzing, researching, and developing plans to comply with all Federal, state and local laws and regulations. United States Pipe and Foundry Company's concern is not newly found. Our Huntsville Road Complex employs more than 1,650 people. Reduction and shutdown operations naturally entails loss of income to our employees whose welfare we are concerned with....United State Pipe and Foundry Company's operations are first and foremost for men rather than materials. We believe, however, that environmental protection must coexist with economic progress.

This was an argument that some industry representatives would repeatedly make during the next several days as poor air quality persisted and the EPA became involved.[24]

Regardless of the tone of the replies from industries, reductions in emissions were not sufficient to improve air quality. On Wednesday, November 17, the 24-hour-average particulate level remained high, measuring 758 micrograms in North Birmingham at 8:00 a.m. By 9:30 a.m. the National Weather Service notified county health officials that it was extending its air stagnation advisory for the region.[25]

It was at this stage of the air episode that the EPA began to take on a direct role. The involvement of the EPA followed a different course than it had in the spring when

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[24] Ibid., 5–12, 6 (first quotation), 8 (second quotation). For a discussion of industry's attitudes toward the cost of pollution control, see Hays, *Beauty, Health, and Permanence*, 317–21.

[25] Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 74.

GASP had asked the federal agency to come to town. Since air quality had begun to deteriorate on Monday, November 15, Jefferson County health officials had been in telephone contact with state health officials, the state attorney general, and the EPA's national office. On Wednesday morning Darrell Tyler, who headed the EPA's emergency operation control center in Durham, North Carolina, called Hardy, the county health officer, to seek permission to come to Birmingham. Hardy knew that Section 303 of the Clean Air Act of 1970 gave the EPA enforcement power "when local and state officials will not or cannot take effective action in an episode," so he agreed to let the EPA come to Birmingham.[26]

With pollution levels remaining high on Wednesday morning, the Jefferson County Health Department began calling twenty-three area industries to assess their progress in reducing particulate emissions. Though nine industries reported reducing particulates emissions by at least 60 percent and another eight reported reductions between 20 and 60 percent, six industries told the health department that they could not provide an accurate estimate of the reductions or that they expected the reduction to be no more than 20 percent. This was not good news, because these six industries were, according to the 1969 pollution inventory, responsible for around 70 percent of suspended particulates in the Birmingham area.[27]

At 3:15 that afternoon, a meeting to review the situation was held at the Jefferson County Department of Health. Besides leaders of the county health department, attendees included representatives from the state health department, the state attorney general's office, the EPA, and the Department of Justice. Later that afternoon a press conference

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[26] *Clean Air Act Oversight Hearings*, 3; Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 74 (quotation).
[27] Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 74.

was held at which Hardy, the county health officer, read a statement summarizing the air pollution episode. He ended his statement by criticizing U.S. Steel and several other companies that had failed to make significant reductions in particulate emissions, calling their responses "housekeeping" that did not have a major impact on production. According to a *New York Times* account, Hardy did not mince words in his criticism of U.S. Steel: "Asked at a news conference if he believed that U.S. Steel had acted in the public interest during the crisis, Dr. Hardy replied, 'I would say certainly not.'"[28]

Hardy's criticism of U.S. Steel made it into the local newspapers, but people watching television news coverage of the news conference on at least one local station missed out on his critique, according to a Washington journalist who reported on the air pollution episode. A *Washington Monthly* article noted that the local NBC affiliate edited out Hardy's criticism of U.S. Steel. Instead, a representative of U.S. Steel appeared, stating that the company was only running eight of its fifteen furnaces. According to Paul Pate, the director the county's environmental bureau, the U.S. Steel response, though technically accurate, was misleading:

> He didn't mention that U.S. Steel has been running at 60-per-cent capacity, meaning there haven't been any 15 furnaces running for some time. I don't think they shut one furnace. But they get away with that kind of sly talk all the time. They got terrific clout in this town.[29]

Whether or not Pate was correct about U.S. Steel's production levels, he was right that U.S. Steel had long enjoyed significant influence in Birmingham. This influence was beginning to wane, however, in the face of new federal environmental regulations.

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[28] "Court Curbs 23 Companies in Alabama Pollution Peril," *New York Times*, November 19, 1971.
[29] Sloyan, "The Day They Shut Down Birmingham," 48.

The EPA was not caught off guard as it had been by the April 1971 air pollution episode in Birmingham. In the days after that crisis an anonymous EPA official told a reporter, as quoted earlier, "If we had known about it earlier, we'd have had a Justice Department lawyer down there so fast it would make your head swim."[30] This time around the EPA was involved from the start. By the autumn of 1971, the agency's emergency operations center in Durham, N.C., was receiving daily air quality measurements from sixty cities. As soon as the National Weather Service issued an air stagnation alert on Monday, November 15, the emergency control center contacted the Jefferson County air pollution program. On Tuesday, Darrell Tyler, who headed the EPA's emergency control center, sought clarification of what, if any, legal authority the state or county had to reduce particulate levels. Of course, the new state law provided for such authority, but it was not yet functioning. Jefferson County officials informed Tyler that they had sought voluntary reductions from local industries.[31]

At this point the EPA was not set on intervening and, in fact, had good reason to believe that it would not need to get involved. According to Robert Baum, the assistant general counsel for air pollution at the EPA, who testified at the congressional hearing in Birmingham that November, the emergency control center had been in contact with county health officials the month before, when particulate levels had risen. Assured by the county health department that requests for voluntary reductions had lowered pollution levels somewhat, the federal agency did not feel compelled to act. "Because of our previous experience here, we had to wait a certain amount of time to make certain what

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[30] "If Needed, Pollution Official May Return," *Birmingham News*, April 22, 1971.
[31] *Clean Air Act Oversight Hearings*, 46–47.

was going on. We were hopeful that there would again be sufficient voluntary compliance to make some change in these readings," Baum testified.[32]

This was not to be the case in November. In response to the persistently high particulate levels, Baum, the EPA assistant general counsel, informed the Department of Justice that the EPA might be going to Birmingham so that the U.S. attorney's office there would be prepared. Baum told the committee, "By Tuesday evening it was pretty clear that we should come down here to be on the scene in the event that action by the Federal Government was needed. No decision was made to take any action, but, again, we decided we better get here." Baum and several other EPA officials and a Department of Justice representative arrived in Birmingham on Wednesday afternoon. At a meeting with county and state officials, consensus was reached that federal action was necessary. According to Baum,

> To make a long story short, it was apparent that there had not been adequate action taken. It was also apparent that there was not going to be adequate action taken unless the Federal Government took it. It was represented to us by the State attorney general's office that there was no legal means by which reductions could be required....The levels were so high that there just had to be action taken.

Baum said at the hearing that even if the state air pollution program had been operational, the EPA was required by the emergency clause of the Clean Air Act of 1970 to act if the state had not taken action or its actions had not adequately reduced pollution levels. Baum said that the particulate levels were serious enough that emergency action was necessary.[33]

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[32] Ibid., 47.

[33] Ibid., 47 (first quotation), 48 (second quotation).

Once the decision was made to take federal legal action, Birmingham became "an environmental Little Rock," according to one journalist.[34] For the first time since its creation at the end of 1970, the EPA used its emergency powers to take legal action to shut down pollution sources. The power to seek such a federal injunction was included in Section 303 of the Clean Air Act of 1970. According to this section,

> Notwithstanding any other provisions of this Act, the Administrator [of the EPA] upon receipt of evidence that a pollution source...is presenting an imminent and substantial endangerment to the health of persons, and that appropriate state or local authorities have not acted to abate such sources, may bring suit on behalf of the United States in the appropriate United States district court to immediately restrain any person causing or contributing to the alleged pollution to stop the emission of air pollutants causing or contributing to such pollution or to take such other action as may be necessary.[35]

Representatives from the EPA, the Justice Department, the county and state health departments, and the state attorney general's office all agreed that the pollution situation in Birmingham had the potential to harm human health and that state and local governments did not yet have the legal apparatus to force industries to reduce emissions. Having reached agreement on the need for federal action, they now had to convince a federal judge to issue an injunction.

U.S. District Court Judge Sam C. Pointer Jr., a Nixon appointee, was convinced by the request the assistant U.S. attorney in Birmingham delivered to him on the night of Wednesday, November 17. At 1:45 a.m. on Thursday, November 18, Judge Pointer signed a temporary restraining order that applied to twenty-three area pollution sources. The order included pollution-reduction requirements for each operation.[36] These were

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[34] Sloyan, "The Day They Shut Down Birmingham," 41.
[35] Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 75.
[36] Ibid.

carefully determined by an EPA official who had expertise with industrial operations, according to Baum, the EPA assistant counsel: "You just can't shut down these things immediately. This order was intended to shut down these things as quickly as possible without damaging any of the equipment." Though the order would not be officially served by a U.S. Marshal until later on Thursday morning, Baum and other officials began calling the twenty-three operations to inform them of the specific emission-reduction requirements.[37]

On Thursday weather conditions became more favorable, and in combination with the decreased production at local industries, particulate levels begin to drop. By 8:00 a.m. on Thursday, suspended particulates measured 410 micrograms in North Birmingham. This was still a very high level, but much lower than it had been earlier in the week. The weather forecast indicated rain, which would likely reduce particulate levels further. Still, the EPA decided against asking Judge Pointer to vacate the order. Baum testified that "we could not be absolutely certain that if we did not continue the order that the levels would not then start up again."[38]

Despite the caution of the EPA, the situation continued to improve by Friday morning, probably a combination of better weather—it began to rain on Friday—and the effects of pollution-reduction actions mandated by the federal judge. By nine o'clock on Friday morning, when Judge Pointer had scheduled a hearing about the restraining order, particulate levels had dropped below 300 in North Birmingham. According to Baum, the EPA official, that level "is actually up somewhat high, but not for around here." Based on

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[37] *Clean Air Act Oversight Hearings*, 49.

[38] Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 75; *Clean Air Act Oversight Hearings*, 49 (quotation).

the declining pollution levels and improved weather conditions, the EPA on Friday morning asked Judge Pointer to vacate the restraining order, which he did.[39]

Though the order was lifted on Friday, federal interest in Birmingham's air pollution episode continued. That Saturday, November 20, 1971, Rep. Paul G. Rogers, a Florida Democrat who chaired the House Subcommittee on Public Health and Environment, held hearings in Birmingham. The purpose of the hearings was to review the use of the emergency powers provided to the EPA by the Clean Air Act of 1970. Afterwards Rogers concluded that the process had worked pretty well in Birmingham.

> Our biggest surprise was that the industries—in spite of known and recorded excessive pollution periods in the past—had not worked out any plans for responding to an alert. This amazed us in view of testimony that parts of North Birmingham have had a harmful level of air pollution about 50 per cent of the time, while areas of downtown Birmingham have an excessive level something like 26 days a year on the average....Certainly in this first test, the exercise of emergency power was well done. And I should think that industry everywhere has learned a valuable lesson from what happened in Birmingham.[40]

The lesson was that the federal government would intervene when local and state governments would or could not act. A top environmental official in the Nixon administration had made that clear during the middle of the crisis. Speaking the day after Judge Pointer ordered industry to reduce emissions, Russell E. Train, the chairman of the Council on Environmental Quality, told a New York audience to expect more federal action such as the type that had just happened in Birmingham. Train expected local governments to welcome this strategy as they often faced "political pressure" that made it difficult for them to take action.[41] As events unfolded in Birmingham an EPA official in

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[39] Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 75; *Clean Air Act Oversight Hearings*, 49 (quotation).
[40] "After First Use Evaluation," *Birmingham News*, November 28, 1971.
[41] "Nixon Pollution Aide Sees Wider Government Role," *New York Times*, November 20, 1971.

Washington, D.C., said that the agency expected to act similarly in the future. John Quarles, the assistant administrator for enforcement at the EPA, said, "We will use the same procedure in other places, maintaining vigilance across the country for any alert situations where sharp increases in particulate matter or other pollutants present health hazards."[42]

One state official in Alabama recognized the necessity of federal involvement. State Health Officer Ira Myers had been highly critical when the EPA had come to Birmingham in April 1971, but he praised the agency's response to the November air pollution crisis. "It appears there was no alternative. When you are anticipating a situation going beyond the maximum limits set, you have no choice. Even if this is done partially by voluntary methods, you must be sure that you have done everything that you can to control the situation."[43] Myers surely would have preferred that Alabama handle its own pollution problems, but he recognized that the pollution-control machinery was not yet operational.

If local and state officials were satisfied with federal intervention, the same was not true of Birmingham industries and their representatives. According to newspaper accounts, attorneys for several of the industrial firms affected by the restraining order complained vigorously about the legal action. One industry attorney argued that it was unconstitutional for the federal government to force industries to halt or cut production without providing compensation for their losses. Another alleged that the federal government's action was unjustified: "We have an unprecedented situation where the government shut down twenty-three operations without one shred of evidence that any of

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[42] "Rain Cleanses Air; Judge OKs Start-Up of Plants," *Birmingham News*, November 19, 1971.
[43] "New Air Pollution Commission to Hold First Meet Next Week," *Birmingham News*, November 21, 1971.

these industries were contributing individually to the emergency…or that the damage suffered was anywhere near justified by the emergency."[44]

Industry leaders and their representatives were less confrontational at the Congressional hearings on Saturday, though they maintained that they had been in the process of making improvements that would reduce particulate emissions and other pollution. The thrust of this testimony was that these things take time, but the process was well underway.[45] Several representatives also expressed concern about the suddenness of the federal order, noting that shutting down large-scale industrial operations was not as simple as flipping a switch. Herbert J. Dunsmore, the director of environmental control for U.S. Steel in Birmingham, testified that "the major problem area in the current pollution picture is the lack of suitable procedure for putting into effect actions which can provide a reduction in plant operations as conditions dictate in an orderly manner and within a minimum of delay—in a word, a plan."[46]

Rep. Rogers, the chairman of the subcommittee, pressed Dunsmore about the issue of a plan, asking whether U.S. Steel had one and whether it and other local industries had consulted with each other about formulating an emergency-response strategy. Dunsmore replied that U.S. Steel, though it did not have a plan, did "have our ideas at least of a plan; in fact, many of the things that we put into operation at this time

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[44] "Rain Cleanses Air; Judge OKs Start-Up of Plants." The ellipsis in the quotation is in the original newspaper article.

[45] There was some truth to industrial leaders' claim that the process for implementing air pollution control was underway. Alabama industries knew that they would have to comply with the newly passed air pollution law, so they were surely making plans to abide by it. But leaders of industry had a long history of postponing air pollution control, often citing the need for additional research, as Scott Dewey has documented. Later in the 1970s U.S. Steel would face a lawsuit because it did not meet agreed deadlines for replacing its open-hearth furnaces in Birmingham with less polluting facilities. For a discussion of industry's pattern of delay, see Scott Hamilton Dewey, *Don't Breathe the Air: Air Pollution and U.S. Environmental Politics, 1945-1970* (College Station: Texas A&M University Press, 2000), 244–45.

[46] *Clean Air Act Oversight Hearings*, 76.

is what we think would be the elements to build up a plan." To Dunsmore's knowledge, however, U.S. Steel and other industries had not met to develop an emergency plan. Rogers seemed to use this lack of independent industry action to justify the recent federal action:

> Because, you know, often we, in Washington, hear that if you just, you know, keep our nose out of things, you all will get together and handle it, and, if it can be done that way, I think it's just as preferable, and this committee generally has adopted that idea, but, I think it is necessary and I am sure as you have said in your statement, you agree that something will have to be done, and, although we would have hoped that this plan could have been worked out with industry itself whenever an alert came in, then, I think, this would have probably helped in this one situation.

Dunsmore did not reply directly to Rogers's comments, though he did note that U.S. Steel had developed emergency plans in other locations in cooperation with "the controlling agency" rather than with other industries in the area.[47]

Not surprisingly, U.S. representatives at the hearing expressed various opinions on the role industry played in Birmingham's air pollution. Rogers, though not openly hostile, was critical of industry's action, or lack of action, as he made clear in his comments to the U.S. Steel representative. Others, particularly Rep. Peter N. Kyros of Maine, were less critical of industry. He said that local industries should be commended because "[t]hey do provide jobs in the community."[48] Praising industry was too much for Alan W. Heldman, an attorney who had represented GASP and the Alabama Clean Air Committee. In response to Kyros, Heldman said

> I might partially disagree with you by telling the committee that we had a long and hard a [sic] struggle starting the [sic] beginning of this year to get the present new air pollution law statute passed, and there was not one, to my recollection, of the 23 defendants here who did anything but

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[47] Ibid.
[48] Ibid., 95.

> unequivocably [sic] opposed [sic] the better provisions. The industries were united against effective air pollution control here, and I would further suggest of those who did appear here this morning, presumably they were the ones who, of the 23, who felt most comfortable about appearing and exposing themselves, and, yet none of the three having been asked to reduce emissions to the tune of 60 percent could say that they reduced more than 30 percent, sirs, as I heard the testimony.[49]

Though Kyros's belief that all parties—industry, local health officials, grassroots activists, and federal regulators—needed to cooperate to achieve air pollution control was certainly true, Heldman was correct that industry, particularly U.S. Steel, for years had tried to block or weaken air pollution control in Alabama.

One of the arguments that industry had long made to oppose strict air pollution control was that air pollution control would have a harmful economic impact, and industry leaders continued to make this case at the hearings. For example, H. T. Montgomery, the vice president and general manager of Connors Steel in Birmingham, told the subcommittee that while he did not want to criticize the EPA action, he wanted assurance that the action was absolutely necessary. Montgomery said, "The steel industry is in a dire situation and the steelworkers are suffering from lack of work, and we are most reluctant to add to the hardship that the men are already experiencing by taking an unwarranted action to shutdown on short notice unless it's an emergency."[50]

Though the shutdown certainly did have an economic impact on workers, a local representative of the United Steelworkers of America challenged industry's commitment to cleaning up Birmingham's air. Referring to local industries, William T. Edwards told the subcommittee, "We think a real concern would have prompted them to have installed the proper devices sometime back so that we would not have had this crisis in

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[49] Ibid.
[50] Ibid., 85.

Birmingham." Edwards testified that again and again industry leaders had said "'Well, it takes time,'" when pressed on air pollution efforts. According to Edwards, the only time that industry had taken action on pollution was when forced by law to do so.[51] This was probably hyperbole to a degree, but it was true that U.S. Steel had announced its first big pollution control effort in Birmingham—a $12 million investment in pollution-control equipment at its Fairfield works—within weeks of the April 1971 air pollution episode when EPA officials had come to Birmingham.[52] Shortly after the November 1971 hearings, U.S. Steel would announce that it was taking more extensive pollution-control steps, replacing all of the open-hearth furnaces at its Fairfield works.[53]

Labor leaders were fully in support of the federal government's involvement in air pollution control in Birmingham, but the people who worked in and lived near Birmingham's industrial operations were somewhat more ambivalent.[54] All welcomed

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[51] Ibid., 96.

[52] "Other Firms Take Steps: U.S. Steel OKs $12 Million for Clean Air Project Here," *Birmingham News*, May 14, 1971; Earl W. Mallick to William A. Glenn, June 24, 1971, file 263.24.16, George C. Seibels Jr. Papers, Birmingham Public Library Department of Archives and Manuscripts (BPLDAM).

[53] "Most Modern in Western Hemisphere: U.S. Steel Replacing All Furnaces with New, Clean Process," *Birmingham News*, December 16, 1971; "Q-BOP: From Blow to Go in 90 Days," *Journal of Metals* 24 (March 1972): 31–34.

[54] The history of the relationship between organized labor and the environmental movement is complicated, with no simple answer as to whether the two movements have most often been allies or opponents. The contrast between the Birmingham labor leader who testified in November 1971 and some industrial employees indicates that the rank and file did not always agree with labor leaders. In addition, the attitude of labor leaders in Birmingham changed later in the 1970s. Though local unions came out in favor of strengthening the state air pollution law in 1971, they later supported U.S. Steel in its requests for more time to install less-polluting equipment. For more on the relationship between labor and environmental issues, see Chad Montrie, "Expedient Environmentalism: Opposition to Coal Surface Mining in Appalachia and the United Mine Workers of America, 1945–1975," *Environmental History* 5 (January 2000): 75–98; Scott Hamilton Dewey, "Working for the Environment: Organized Labor and the Origins of Environmentalism in the United States, 1948–1970," *Environmental History* 3 (January 1998): 45–63; Brian K. Obach, *Labor and the Environmental Movement: The Quest for Common Ground* (Cambridge, Mass.: MIT Press, 2004); Timothy J. Minchin, *Forging a Common Bond: Labor and Environmental Activism during the BASF Lockout* (Gainesville, Fla.: University Press of Florida, 2003); and Robert Gordon, "'Shell No!': OCAW and the Labor-Environmental Alliance," *Environmental History* 3 (October 1998): 460–87. For a discussion of work and nature, see Richard White, "'Are You an Environmentalist or Do You Work for a Living?': Work and Nature," in *Uncommon Ground: Toward Reinventing Nature*, ed. William Cronon (New York: W. W. Norton, 1995).

cleaner air, but many questioned the economic impact it would have on them and their families. Herman Hooks, who worked in the blast furnace at U.S. Steel in Fairfield, told a reporter that though pollution scared him, "'you have to think about economics.'" Eugene Campbell, who lived in the industrial suburb of Pinson, echoed this concern, asking, "'What are the people in Birmingham going to do if they run industry out?'" He told a reporter that he had "'lived with pollution 50-something years. I guess I can put up with it.'" One North Birmingham resident was less accepting, but he had few options. R. B. Franklin, who owned a home and store near the U.S. Pipe and Foundry operation, said "'Something should be done about it....They've had long enough to do something.'" Though he was fed up with pollution in his neighborhood, he said, "'I can't afford to move.'"[55]

Several employees of U.S. Steel's Fairfield Works were also concerned about the economic impact of pollution, and they blamed the company for dragging its feet in reducing emissions. In a conversation at the union hall of U.S. Steel Local 1013 of the United Steelworkers, members complained that they lost pay because of the shutdown. "One thing is certain—our members lost their wages through no fault of their own," said the local's president, Richard Smith. Jim Canant, the chairman of the local's grievance committee, argued that the November air pollution episode was not surprising, especially after the April 1971 episode. But though Canant called the November episode "predictable," he did not accept the assertion of U.S. Steel that because the pollution was trapped by a temperature inversion, it could not have been avoided. According to Canant, "there has been enough time for everyone to have made correction by now. We can't see

[55] "What Next?—Jobs on Mind When Stacks Stop Smoking," *Birmingham News*, November 19, 1971.

the company blaming the shut-down on an act of God. We can't buy the argument that the shut-down was beyond the control of management." Marvin Lee, who served on the local's grievance committee, said that delay in cleaning up pollution in Birmingham had cost the company and union members money, but he was hopeful that the recent federal action would produce long-term benefits: "Maybe this shut-down will end up doing a lot of good if it means the industry will get on with the clean-up job."[56]

The combination of a strengthened state air pollution law and the possibility of federal intervention certainly placed pressure on Birmingham-area industries to reduce emissions, particularly of particulates. In the case of U.S. Steel, the process would take longer than initially planned. Barely half a year after announcing that it would install pollution-reduction equipment at its Fairfield operations, the company announced in December 1971 that it would replace the open-hearth furnaces at the facility. The dirty-burning open-hearth furnaces were to be replaced with so-called Q-BOP furnaces, which released many fewer particulates into the air. In the mid-1970s the company ran afoul of the EPA as it kept some open-hearth furnaces in operation at the Fairfield site for much longer than planned. The EPA filed suit against the company and eventually succeeded in getting the last remaining open-hearth furnaces closed in 1977. Somewhat ironically, the steelworkers' union, which had supported EPA action in the November 1971 air pollution crisis, opposed EPA efforts to have the remaining open-hearth furnaces closed.[57]

During the November 1971 air pollution crisis in Birmingham, Richard Dominick, a state senator from Jefferson County who had been a strong supporter of

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[56] "U.S. Steel Fairfield Workers Talk Jobs and Pollution," *Steel Labor*, January 1972, 6.

[57] "Most Modern in Western Hemisphere: U.S. Steel Replacing All Furnaces with New, Clean Process;" "Q-BOP: From Blow to Go in 90 Days;" Maurice F. Bishop to Henry B. Steagall, March 23, 1977, Alabama Governor Administrative Files, 1962-1978, SG023444, folder 16, ADAH.

tough air pollution control for several years, placed the blame for recent events squarely on Gov. George Wallace. In a speech at the Women's Democratic Club of Jefferson County, Dominick said, "I think it is unfortunate that he (Wallace) didn't appoint the commission 49 days ago as the law states. If he had, we possibly could have used the very fine state law we have during this crisis."[58] Though it is difficult to deny that Wallace's delay hampered state and local officials' ability to get the situation under control, there is no guarantee that a fully-functioning air pollution regime would have been in place by mid-November. After the headline-making events of November, it took several months for the state air pollution control program to get going. It was not as easy as simply appointing members of the air pollution commission. The new law required that public hearings be held before the program too effect.

Those public hearings took place in January 1972. Though GASP and other citizen groups had prevailed in the legislative battle of 1971, the groups did not fade away as a state air pollution program came into existence. GASP and other groups held a series of workshops in December—in Birmingham, Huntsville, and Mobile—intended to motivate people to participate in the January hearings. A few days before the January hearings, board members of the Birmingham chapter of the League of Women Voters, which had pushed for the 1971 air pollution law, discussed the hearings and agreed on the need to demand "stringent standards" from the air pollution commission.[59]

It was at those hearings that A. H. Russakoff, the Birmingham lung specialist who had played such an important role in the clean-air movement in Alabama, celebrated

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[58] "Dominick Hurls Blast: Wallace Inaction on Pollution hit," *Birmingham Post-Herald*, November 19, 1971.

[59] "Inform Public: Workshops to Pinpoint Battle on Air Pollution," *Birmingham News*, December 3, 1971; "Birmingham League of Women Voters January 3, 1972, Board Meeting Minutes," January 3, 1972, file 51.1.3.1.24, League of Women Voters of Greater Birmingham, Alabama, Records, BPLDAM.

industry's loss of control over air pollution politics in Alabama. In a printed version of his testimony, Russakoff recalled his earlier prediction that the federal government would get involved:

> More than four years ago, when Dr. George Denison and I first became involved in the anti-pollution effort, we made the following public statement: 'Unless industry puts its best foot forward—and soon***it will bring upon itself a new kind of federal supervision.' In retrospect, how much more prophetic could we have been?[60]

Prophetic, indeed. The struggle to influence the direction of air pollution control in Alabama lasted for several years. Industry's influence did not disappear—Russakoff testified to the importance of remaining vigilant of industry in setting pollution regulations—but it was greatly diminished compared to what it had been in the summer of 1969 when the industry-backed air pollution bill was passed and signed into law. Though U.S. Steel and the EPA would later get involved in a legal struggle over the company's Fairfield Works, in 1972 air pollution politics in Alabama were fairly tranquil.

In a year when he was making another presidential bid, George Wallace might have been expected to have done everything possible to resist federal oversight of air pollution regulations in Alabama, but there were no indications of his states' rights advocacy in his interactions with federal environmental regulators. By early February 1972 the state had submitted its air pollution plan to the EPA, drawing accolades from Jack E. Ravan, the agency's regional director in Atlanta.[61] The EPA approved Alabama's plans in late May 1972. In a letter informing Wallace of the approval, Ravan wrote, "The positive action and concern you have demonstrated in providing procedures to attain

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[60] A. H. Russakoff, "Statement [for] Public Hearings, Birmingham, January 8, 1972," January 8, 1972, file 1278.1.1, A. H. Russakoff Air Pollution Files, BPLDAM.

[61] Jack E. Ravan to George C. Wallace, January 20, 1972, Alabama Governor Administrative Files, 1962-1978, SG022673, folder 9, ADAH; Jack E. Ravan to George C. Wallace, February 3, 1972, Alabama Governor Administrative Files, 1962-1978, SG022673, folder 9, ADAH.

clean air for the State of Alabama deserve praise by those receiving the benefits both now and in the future."[62] A few weeks later Wallace bragged about Alabama's air pollution law in a reply to a California man who had sought information on Alabama's air pollution control program. According to Wallace, "Alabama's Air Pollution Control Act, which I signed into law in 1971, is being used by the Council of State Governments as a new national model act on which other States will pattern their air pollution control legislation."[63]

It may seem out of character that Wallace would be enthusiastic about a law that was enacted to meet federal guidelines, but it actually made political sense. Though Wallace tried to avoid alienating industry leaders who had opposed the 1971 state air pollution law, he also knew that many Alabama residents who supported his presidential ambitions also backed air pollution control in the state. Conservative politics and support for federal environmental regulation may seem like odd bedfellows today, but that was not the case in the early 1970s. Several letters sent to Wallace in support of the 1971 air pollution law included support for Wallace's presidential campaign. For example, H. M. Vaughn, a resident of the affluent Birmingham suburb of Mountain Brook, informed Wallace in June 1971,

> I am against this school bussing but also feel this terrible pollution, especially the air pollution in Birmingham should be corrected. I do not think the steel companies plan to do any more than is required. It might be better for the State of Alabama to do nothing & let the U.S. Gov. step in in Feb of 1972. Hope you run for president in 72.[64]

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[62] Ravan to George C. Wallace, May 23, 1972.

[63] George C. Wallace to William B. Schulz, June 8, 1972, Alabama Governor Administrative Files, 1962-1978, SG022673, folder 10, ADAH.

[64] H. M. Vaughn to George Wallace, June 7, 1971, Alabama Governor Legislative Tracking Files, 1955-1979, SG023195, folder 15, ADAH.

This letter and other similar ones demonstrated that some conservatives in Alabama supported Wallace but also believed in environmental regulation. Wallace's support for Alabama's air pollution program surely pleased these voters.[65]

Though leaders of Alabama industries were probably not bragging about the air pollution law like Wallace was, they did not resist the implementation of the new air pollution control program in 1972. All but three of the more than ninety polluting industries in Jefferson County met a summer deadline for applying for air pollution permits, though a few firms, including U.S. Steel, were granted an extension in developing air pollution control plans.[66] Several major industrial sites, including American Cast Iron Pipe Company (ACIPCO) in Birmingham, installed air pollution equipment—or announced plans to do so—that would prevent significant amounts of air pollution.[67]

Even one of the most vocal critics of industry was satisfied with industry's response to the new state air pollution control program. In an interview with an EPA publication, Cameron McDonald, the leader of GASP during the campaign for the 1971 air pollution law, said that Birmingham-area industries had cooperated with air pollution officials during air pollution episodes in 1972. McDonald told the EPA, "As a matter of fact...I think my work with GASP is about over. The new law is being enforced. The commission is appointed and functioning. The state technical staff is excellent--and we already had a good local health department. There are other watchdogs working now."[68]

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[65] The man whose job Wallace wanted, President Richard Nixon, also recognized the popularity of environmental issues. Nixon endorsed several environmental goals to gain political support. See J. Brooks Flippen, *Nixon and the Environment* (Albuquerque, N.M.: University of New Mexico Press, 2000).
[66] "All But Three Firms Apply for Permits," *Birmingham News*, July 12, 1972.
[67] "ACIPCO Unveils Air Control Equipment," *Sunburst*, August 1972.
[68] "Birmingham Revisited...," *Region IV Reports*, September 1972, 4.

What also seemed to be working now was the response plan for air pollution emergencies. Pollution did not immediately improve in Birmingham, but local health officials now had the tools they needed to deal with pollution episodes. One such episode threatened in early June 1972, when particulate measurements topped 400 micrograms in North Birmingham. As a part of the Jefferson County Health Department's air pollution control program, polluting industries had been required to submit "episode plans" to the department in March. For the first time the county health department asked local industries to implement those plans in order to reduce particulate emissions by 30 percent.[69] According to county health officials,

> The levels of suspended particulates during the episode showed a marked decrease upon declaration of the alert and implementation of preplanned abatement strategy. This finding indicated the effectiveness of approved plans and justified the episode control requirements of state law and state and local rules and regulations.[70]

Similar episodes occurred in August and October of 1972, and the results were similar. The county air pollution program requested that industries reduce emissions, which, along with improving weather conditions, helped reduce particulate levels. Though air quality in Birmingham did not improve immediately, having a working air pollution program did seem to succeed in preventing emergency situations as had occurred in November 1971. Air pollution alerts occurred several times during the next few years, but none of them reached the level of local or national concern as did the November 1971 one.[71] In a review of that episode county health officials concluded, "With the subsequent

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[69] "Cutback Advised--Particulate Alert Declared by Health Unit," *Birmingham News*, June 2, 1972.
[70] Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 76.
[71] "City Pollution Alert Declared," *Birmingham Post-Herald*, July 4, 1973; "Jefferson Has Air Pollution Alert," *Birmingham Post-Herald*, August 29, 1973; "Pollution Warning May Last Until Friday," *Birmingham Post-Herald*, October 25, 1973; "County Health Department Declares Air Pollution Alert," *Birmingham Post-Herald*, October 12, 1974.

development of local emergency episode planning, the circumstances which surrounded this week in November, 1971, should never again be duplicated in Birmingham."[72]

Those circumstances in November 1971 were extraordinary. Though the state had finally adopted an air pollution law that met federal standards, the lack of a regulatory structure to apply the law set the stage for direct federal involvement. The next year, a legal review of the events in Birmingham in 1971 was published, and it was somewhat critical of the role of the EPA and the federal judge who issued the injunction in the case *United States v. U.S. Steel*. Despite some misgivings about the use of emergency powers, the author concluded that the action was a logical result of the circumstances:

> The November 1971 crisis and the case of *United States v. U.S. Steel* came in the hiatus between inchoate concern and operative, effective administrative regulation. There had been very little of the planning and coordination which could have eliminated many of the hardships. The public was alert, the legislation had been passed, and the standards were available, but the machinery to deal with the crisis was not functioning. If the Environmental Protection Agency had not acted, no one could have.[73]

It is possible to imagine that this "machinery" could have been functioning if Gov. Wallace had appointed members of the air pollution control commission by October 1, 1971, as directed by the 1971 air pollution law, but there is no way to know for sure. Getting a regulatory program started is a slow process, and there is no guarantee that such a program would have been operational by mid-November, when particulate levels soared in Birmingham. What is not in doubt is that the intervention of the federal government in November 1971—and the widespread publicity it brought to Birmingham—motivated local and state officials to move rapidly to get the air pollution program working. Though air pollution did not disappear from Birmingham, as the

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[72] Hardy Jr. et al., "First Use of the Federal Clean Air Act's Emergency Authority," 76.
[73] Rendleman, "Legal Anatomy of an Air Pollution Emergency," 116.

occurrence of air pollution episodes into the mid-1970s showed, a working air pollution program in the Birmingham area helped keep these episodes from becoming full-scale emergencies.

Epilogue

The Campaign for Clean Air in Birmingham Continues

Birmingham turned one hundred in 1971, and it was a very different place at the end of its first century than it had been in its infancy. The young city had quickly acquired the nickname "the Magic City" for its rapid growth in the last decades of the nineteenth century. That city had been founded with a single purpose: to build an iron and steel industry. Though Birmingham's industrial production never rivaled Pittsburgh, iron and steel mills had been the city's economic engine for most of the twentieth century. By 1971, however, the city was in the midst of an economic transformation. Heavy industry did not disappear—Birmingham foundries still produce tons of cast-iron pipe each year—but its importance to the metropolitan area's economy was rapidly diminishing. Birmingham represented a southern colony of the Rust Belt. While the decline of the iron and steel industry was devastating for the city and industrial employees, other sectors of the economy were growing. Still relatively young, the medical center of the University of Alabama at Birmingham (UAB) was well on its way to national prominence by 1971. The letters UAB stand for the University of Alabama at Birmingham, but to many locals, the seemingly ever-expanding university campus and medical center had become the "university that ate Birmingham."

Despite the changes, some Birmingham-area citizens in the 1970s debated an issue that their counterparts in Birmingham's early decades would have recognized. People who lived in and around Birmingham continued to disagree on whether the economic benefits of industry outweighed the harmful effects of pollution. By the 1970s

few declared that smoke equaled progress, as many had in the early twentieth century. The language had changed, but much of the message was the same. Reducing air pollution would cause some people to lose their jobs, according to those who criticized federal environmental regulations. Those on the other side of the argument also changed their language, too. They were no longer complaining that smoke represented wasted fuel. Instead, they said that air pollution was threatening the health of their families.

With the intervention of the Environmental Protection Agency (EPA) in November 1971 and the establishment of a state air pollution control program the next year, it might have seemed that this debate was over. Proponents of stricter air pollution control had prevailed, and the state was taking steps to meet federal standards. Yet the cleanup of Birmingham's air did not happen overnight. There was steady progress. The Jefferson County Health Department estimated that particulate levels dropped around 30 percent during 1973. Jefferson County failed to meet federal air quality standards in 1975, though it continued to experience decreased particulate levels each year. In 1972 average particulate levels in Birmingham were more than twice as high as the maximum healthy levels established by the EPA. By the middle of 1976, these levels had declined more than 80 percent. Referring to the cleanup, which continued throughout the decade, an EPA report declared, "The days are now gone when Birmingham was perpetually enveloped in a smoky haze."[1]

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[1] George E. Jr. Hardy to George C. Seibels Jr., January 2, 1974, file 263.26.13, George C. Seibels Jr. Papers, Birmingham Public Library Department of Archives and Manuscripts (BPLDAM); George C. Wallace to Jack E. Ravan, July 28, 1976, Alabama Governor Administrative Files, 1962-1978, SG023399, folder 11, Alabama Department of Archives and History (ADAH); U.S. Environmental Protection Agency, Office of Planning and Management, Program Evaluation Division, *National Accomplishments in Pollution Control: 1970–1980* (Washington, D.C.: Environmental Protection Agency, December 1980), 87 (quotation).

The pace at which the cleanup of Birmingham's air should proceed was still contentious in 1976. Under an agreement reached in 1975 by U.S. Steel, the EPA, the state air pollution control board, the state attorney general, and the Jefferson County Health Department, the steel company had been granted a one-year extension to the mandated closure of its three open-hearth furnaces at its Ensley plant in the Birmingham area. These furnaces were to be closed by the end of June 1976, which the company said would give it time to get another more cleaner-burning basic oxygen process furnace, known as Q-BOP, online at its nearby Fairfield operations, where two Q-BOP furnaces were already functioning. By June 1976 the steel company said it would not be able to meet the extended deadline without laying off hundreds of workers because the third Q-BOP furnace in Fairfield would not be ready in time. The company asked the EPA to grant it another extension. Russell E. Train, the head of the EPA, refused to grant an extension to U.S. Steel.[2]

Disagreements about timetables for pollution control are not unusual. What was interesting about the U.S. Steel request was the involvement of George Wallace and the reactions this involvement generated. Hard as it may be to believe given the enormous political power of Wallace in Alabama during the 1960s and 1970s, Wallace had not played the largest role in air pollution drama in Alabama. His delay in appointing members of the state air pollution board had helped usher in direct federal intervention in November 1971, but—states' rights rhetoric to the contrary—he had not strongly opposed federal pressure to implement air pollution control. He must have seen the

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[2] "USS Replay," *Birmingham Post-Herald*, June 14, 1976; "Subject: Petition by United States Steel Corporation for Variance from Air Pollution Control Rules and Regulations," 1975, file 1278.2.5, A. H. Russakoff Air Pollution Files, BPLDAM; Russell E. Train to George C. Wallace, June 25, 1976, Alabama Governor Administrative Files, 1962-1978, SG023444, folder 16, ADAH. The second source is an unsigned legal brief summarizing the U.S. Steel legal maneuverings.

writing on the wall—that federal regulation was coming whether Alabama liked it or not—and he also recognized the broad public support for cleaner air. In the case of U.S. Steel and the EPA, however, Wallace took an active role in pressing the case of the company. He asked the EPA to grant the request for an extension and the company thanked him for it.[3] So did a local leader of the steelworkers' union. Organized labor, or at least its leaders, had asked Wallace to support a stronger air pollution law in 1971, but concerns about job losses made them side with their employer in 1976.[4]

Reactions to Wallace's intervention were mixed and reflected the ongoing debate between environmental protection and economic stability. Letters from two women deeply affected by the issue represented the two sides of the debate. Mrs. Tim G. Etheridge wrote Wallace in late June 1976 to tell him that the closure of the furnaces at Ensley would threaten her family's livelihood:

> My husband and I are one of the many families faced with no income due to the closing of Ensley Open Hearths. We learned last week that U.S. Steel will not be paying the 'sub' that workers usually receive since the Gov't is closing the Open Hearths and not technically U.S. Steel. This will mean that $90.00 a week is all we'll have to live on. Like most families involved, we have a special reason and need for the plant to remain in operation. We expect our first child on July 5th. Maybe the 4th and as you can see that this is next week. It is a most inconvenient time for my husband to be out of work, since I will not be returning to my job a[t] Liberty National Life Ins. until Sept. As a father, you know the bills that newborn babies can bring about, and the added pressure on a family man that is faced with being out of work.[5]

Like most people, Mrs. Etheridge did not have anything against clean air, but fears about her family's finances, which were certainly reasonable, were the most important thing to

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[3] Haran W. Bullard to George C. Wallace, June 28, 1976, Alabama Governor Administrative Files, 1962-1978, SG023444, folder 16, ADAH.

[4] Joe M. Corona to George C. Wallace, June 29, 1976, Alabama Governor Administrative Files, 1962-1978, SG023444, folder 16, ADAH.

[5] Mrs. Tim G. Etheridge to George C. Wallace, June 29, 1976, Alabama Governor Administrative Files, 1962-1978, SG023444, folder 16, ADAH.

her at the time. The economic benefits of her husband's employment outweighed any disadvantages of postponing air pollution control.

Wallace was also pressured by environmental groups and affluent suburbanites who lived far from U.S. Steel's furnaces who demanded that he not help the company keep the furnaces open. A woman who lived in the over-the-mountain neighborhood of Altadena informed Wallace that she was "appalled by [his] efforts to use political influence to keep US Steel furnaces open. How should the people of Birmingham feel when the governor of their state places his priorities on a few hundred jobs rather than the health of thousands of people?"[6] A letter like this seems to support the characterization of environmentalists as out-of-touch elitists insensitive to the needs of working-class people.

That would be incorrect. Many U.S. Steel employees and their families, as well as union leaders, did fear that environmental regulation would cost them their jobs. But concerns about the environmental impact of the continued operation of the open-hearth furnaces were not a luxury that only over-the-mountain residents could afford. A letter from a woman who lived near the Ensley furnaces exemplified the frustration that some residents of polluted industrial neighborhoods had felt for decades. Margaret Steadman lived in Fairfield, the home of some of U.S. Steel's operations, but she lived closer to the company's Ensley works. She criticized Wallace for trying to keep the open-hearth furnaces in Ensley burning.

> All of you people who are asking for this extension do not live here in Fairfield & your children do not play in steel dust. We are practically in under the worst part of it. Our cars, our homes & most of all, our families have suffered from this mess for years. The Q-bops have helped some but even they have not stopped the fall out. Every day we sweep it from our porches and just to show you what a real mess it is—my child has a plastic

[6] Peyton Lee to George Wallace, June 24, 1976, Alabama Governor Administrative Files, 1962-1978, SG023444, folder 16, ADAH.

> swimming pool, new two weeks ago & already the steel dust has eaten into the plastic & cannot be removed—Can you imagine what the inside of our lungs is like?...I would just like to move everyone who is against it here & let them live 6 months & after that I feel sure ideas would change.

As residents in Ensley, Fairfield, North Birmingham, and other industrial neighborhoods had complained for years, Steadman was tired of the daily presence of pollution in and around her home. She did not downplay the potential economic impact, but she charged that U.S. Steel had delayed for too long. She wrote Wallace, "I do not want people to lose their jobs but this is all just a claim to put off again correcting a bad problem. The problem could have been corrected years ago without any lay off."[7]

Eventually U.S. Steel drastically reduced production in its Birmingham-area facilities. U.S. Steel still has a presence in Birmingham, and its real estate division has been involved in various large projects, but its political and economic influence is nothing like it once was. The steel industry was in decline in the 1970s and the replacement of the 1969 industry-backed air pollution law with a citizen-supported one in 1971 showed that industry's influence in Alabama was no match for the federal government. Wallace and U.S. Steel were allies in 1976 as they sought an extension from the EPA, but this episode represented the end of an era in which leaders of the iron and steel industry in Birmingham enjoyed nearly unchallenged dominance.

This does not mean that industry no longer has a major impact on Alabama's environment or influence on its politics. It is just that the industry has changed. Birmingham's air quality has improved since 1971 as iron and steel production has declined significantly. Like just about every other U.S. city today, automobile exhaust is a significant source of pollution in the Birmingham area. Birmingham also has a

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[7] Margaret Steadman to George Wallace, June 25, 1976, Alabama Governor Administrative Files, 1962-1978, SG023444, folder 16, ADAH.

considerable problem with particulate pollution, like soot and other solid matter. One recent study ranked Birmingham as number five in the nation in terms of particulate levels. History would seem to be repeating itself, as particulates were the major air pollution problem throughout Birmingham's history. The key difference today is the source of those particulates. Though heavy industry in Birmingham does produce some pollution, the bulk of the particulates, as well as mercury, in Birmingham's air comes from coal-burning power plants in Jefferson County and two other adjacent counties. The owner of those plants, Alabama Power, which is a division of the Atlanta-based Southern Company, is heavily involved in Alabama politics, much as U.S. Steel was. A key difference today is that Alabama Power's facilities are subject to federal environmental regulation, something which U.S. Steel did not face until the 1970s.[8]

Birmingham's air pollution situation has something in common with its past in that Birmingham residents today find themselves breathing air polluted in part by emissions from a large corporation. In response, a new grassroots group has formed, and its members have made a direct historical connection to the time in Birmingham's past when citizens were most active in organizing against air pollution. A group formerly known as Alabama First changed its name to GASP in 2010 in honor of the 40th anniversary of the founding of the original GASP in Birmingham. The new group declares on its Web site, "GASP and their allies succeeded in their campaign, in spite of the seemingly impenetrable establishment. They helped pave the way for a healthier,

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[8] Southern Environmental Law Center, *Clean Air for the Birmingham Area* (Charlottesville, Va.: Southern Environmental Law Center, 2009), 1, 7.

cleaner community....By adopting the name GASP, we hope to give a rebirth to the spirit and tenacity held by its original founders."[9]

The new GASP has many advantages over the original one, not the least of which is a well established system of federal environmental regulation. In other ways, however, the new group faces a tough challenge. The GASP web site includes a photo of smokestacks, but there is a key difference. These smokestacks emit particulates and other substances from power plants that are far from the core of the Birmingham metropolitan area. Though the negative health effects of this pollution are well documented, the pollution itself is less apparent to residents of the Birmingham area. Though serious, today's pollution is easier for the public to ignore. That was not the case for most of Birmingham's history, when people living near iron and steel mills saw soot and other substances settle in and around their homes everyday and when people who drove downtown from the suburbs to work had to turn on their headlights during the day or to keep an extra dress shirt in the office to replace the one that was soiled by lunchtime. If the new GASP can convince citizens that Birmingham's air quality should be improved, the group faces an issue of economics. Few Birmingham residents rely on coal-fired powered plants for employment, but cleaning up these plants, which use an abundant and cheap fuel, or switching to a less polluting power source could lead to higher electricity costs for homes and businesses. The debate between economics and environmental protection never seems to go away.

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[9] GASP Web site, http://www.gaspgroup.org/about/ (accessed Sept. 20, 2011).

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